Letter from the Editors

This issue is all about professional development — our own, and that of our students. Some of the authors in this season’s issue tackle professional development from the side of encouraging scholarship, others give us tools to become better academic support professionals, and still others highlight the important role academic support can play in the development of our students.

There is no doubt (or at least, there shouldn’t be any doubt) that the provision of academic support within the law school context has become its own field, with its own experts and its own scholarly articles. Academic support professionals are just that: professionals. And professionals need training and development.

It becomes a chicken-and-egg problem. To be a professional, one needs training; but training is, by its nature, designed for professionals, so how does one receive training until one is recognized as a professional? The answer is that we must start in the middle of the cycle. We’re here now, and we know things now. We must share our knowledge with our students.

We should share our innovations and our research. We should mentor the newest members of our profession. We should be, well, supportive of each other. And all of this starts with developing a sense of ourselves, both collectively and individually, as professionals. That is just what this issue of The Learning Curve aims to do.

Jennifer Carr,
On behalf of the Editors
Developing a Scholarly Agenda —
One Safe Picture, One Art Picture

Kimberly Holst, Clinical Professor of Law, Sandra Day O’Connor College of Law at Arizona State University

For those of us with positions that are not in the more traditional, doctrinal realm of law school faculty, there are differing views when it comes to the “best” approach for scholarly writing. In some ways, this creates a dilemma—do we write the “safe” doctrinal article (the article that our doctrinal colleagues will automatically see as scholarly) or the skills/pedagogy focused article that we may be more passionate about (the article that we may have to convince some of our doctrinal colleagues is scholarly)?

This conundrum reminds me of a scene from Jay and Silent Bob Strike Back. In that film, Ben Affleck and Matt Damon (playing themselves) are arguing about decisions each have made in their film careers. At one point, Affleck says to Damon, “You’re like a child. What’ve I been telling you? You gotta do the safe picture. Then you can do the art picture.” I’ve found Affleck’s advice to be a helpful approach to scholarly writing as well.

For me, developing a scholarly agenda happened in stages and was greatly impacted by where I happened to be in terms of my career. When I began teaching legal research and writing (as an adjunct), a friend from another law school suggested to me that if I wanted to become a law professor, I should focus my scholarship in a doctrinal area (rather than on pedagogy) so that other law professors would see me as a “real” scholar. While I found this mentality to be discouraging, the advice served as an important reminder that a scholarly agenda is not only important to our professional interests, but also to our professional development. The only problem was that, at that point, I really had no idea what a scholarly agenda was or how to develop one.

When I was hired as a full-time legal writing professor, my teaching contract shaped my scholarly agenda. At that school, the scholarship required under the contract needed to be in the more traditional, doctrinal world in order to fulfill the obligations of the contract. While I was frustrated by the restrictive nature of the contract, it forced me to think about why I was frustrated. I questioned what I would write about if I could write about anything. I finally found myself developing a scholarly agenda. Though, in some ways, my scholarly agenda seemed unfocused. I was writing in a doctrinal area (out of need) and researching pedagogy (out of interest).

While I was struggling to find focus in my scholarship, I received another piece of advice from a
mentor (a doctrinal professor) at my former school. While she fully supported my research and desire to write on pedagogy, she suggested that I continue to write and develop scholarship in the doctrinal realm. She told me that no matter what the requirements were at my new school, it was important to focus on my long term goals. She pointed out that career paths change; that schools change positions under different administrations and in reaction to various outside pressures; and that a school may even offer full tenure for positions that were once contract positions, but that those changes will likely require that the professor demonstrate a scholarly agenda (and that agenda might need a doctrinal focus). She pointed out that having achieved a reputation as a doctrinal scholar of merit; I could then turn to writing the piece on pedagogy which most interested me. And, continuing to publish in a doctrinal area was more likely to help me in any of those circumstances than to hurt me.

In many ways, this parallels Affleck’s advice—you gotta write the “safe pieces;” then you can write the “art pieces.” While it helps to be passionate about the scholarship you are writing and researching, it’s a pragmatic career move to develop a scholarly agenda that not only reflects your passion, but also your depth and abilities in the doctrinal world.

Instead of seeing your scholarly agenda as unfocused or schizophrenic, sell your scholarly agenda as well-rounded and illustrative of your commitment to teaching and scholarly engagement.

References and Further Reading

JAY AND SILENT BOB STRIKE BACK (Dimension Films 2001).
Margaret (Peg) McCann, Director of Academic Success Programs, Mercer University School of Law

Many of us who put on ASP programs face the challenge of trying to teach in informal seminar settings. We do not have the luxury of a classroom. There are no shared readings to discuss. In fact, the setting is often so casual that the students may be eating food and drinking soda. Attendance is usually voluntary and we frequently compete with other activities offered at the same time. Consequently, capturing our students’ attention and teaching them something useful can seem like a daunting task.

Incorporating techniques that one is more likely to see in a boardroom than a classroom can help bridge the gap. A number of useful tips can be drawn from the principles of advertising and marketing design. Methods that are widely accepted in the advertising and marketing arenas can also be quite effective in these unconventional quasi-classrooms.

1. Use of color. A principle in advertising design is that the use of color catches the eye and more color catches the eye more. This may be considered a mainstream principle in marketing, but in a law school classroom, usually not so much. There are some very effective ways to incorporate color in a presentation, as long as it serves a purpose. Last spring, while examining how to write a better answer to law school exams, I used a highlighted answer. Parts of the answer dealing with the law were highlighted in yellow, the relevant facts in blue, and the conclusions in green. The theme was, “Yellow + Blue = Green.” Only after one completely explains the law and the important legal facts can one reach a valid conclusion. This technique allowed the students to see how some of the issues required a longer explanation of the law (more yellow), or the use of more key facts (more blue). This visual aid also allowed the students to see the different parts of a good answer quickly and vividly. Importantly, this example made the point clearly that for a legal conclusion to be valid, you must have the yellow (full explanation of the law) + the blue (key facts) before you can make green (legal conclusion).

2. Interactive and entertaining. Another advertising device is to try to get the audience involved. Of course students are often part of the discussion in the classroom, but in a seminar it is more important that they are actually entertained. In a 1L seminar held in early fall of last year, I wanted to tackle some of the preliminary ways students get confused in their analysis. For example, when asked, “What are the most important facts here?” how often have you heard a first-year student respond, “The fact that the statute says...”?

“Incorporating techniques that one is more likely to see in a boardroom than in a classroom can help bridge the gap.”
After we synthesized a rule from three short cases, I used upper-level mock trial students to serve as witnesses to introduce a new fact situation. The mock trial students were given the fact to which they were to testify. I swore the witnesses in and asked them questions to elicit the key facts. After the witnesses answered my questions, I then allowed the students to ask the witness follow up questions. I ended up playing a bit of both judge and attorney, as I would object to certain questions the students would ask. If they seemed to be getting too far afield, I asked them why they wanted to know. This exercise helped them see the importance of the facts and how quickly a single fact could change the outcome. It also helped them see that some facts that may seem important at first (such as emotionally significant facts) may have little significance considering the point of law at issue. The exercise also helped students distinguish law from facts, as the witnesses spoke only to facts.

3. Know your target audience. For most law schools, that means twenty-somethings who want to excel on exams. We mentioned the ideas of "entertaining" and "fun," but you must be informative. Steve Krug wrote a book entitled Don't Make Me Think. The book is about web design, but the message is clear from its title: If you want people to listen, you must have a message that is easily understood. For ASP purposes, we can probably modify the message to, "Don't make me think too hard." You cannot expect the students to put too much thought into a voluntary class, so you have to be ready to lay it out for them step by step. They will be willing to take some notes but you cannot expect them to treat a seminar like a law school class. How do you do that? Don't try to tackle too much in any given seminar. Have very clear, but modest, educational goals for each seminar. Also, bring in the students’ peers. Bringing in upper level students, who have done well, to share ideas helps reach the audience. The 1L students like to hear from more senior students who had the same professors in class and not only survived, but thrived.

4. Vary the method of presentations. You want the students to come to every one of your programs, so make it clear that each one is different in content and form. Use a variety of speakers. Although I speak at least some of the allotted time in each program, I also invite professors, guest speakers, and student panels to participate in different programs. Use a variety of formats. I have several workshops in the spring, and although in each one we look at an exam question, each question is from a different course. I also change up what I use as my vehicle for instruction. One vehicle was the sample answer I described under number 1. Another vehicle, which I used for a civil procedure question, was an attack outline for personal jurisdiction – a list of questions to answer for a personal jurisdiction exam question. We also discussed how the students could make similar analytical approach outlines for exam questions on subject matter jurisdiction, the Erie doctrine, etc.

5. Say it loud and with feeling. Do you remember Billy Mays, the king of telemarketing? He would scream from the TV with such enthusiasm you could not help but pay attention. I often tell myself right before a seminar, “Be more of a preacher than a teacher.” Of course we are not saving souls, but we are saving the students some frustrations. Sometimes I think “life coach” should be part of the ASPer’s job description. So borrow a few techniques from marketing and from the pulpits. Use voice fluctuations and keep the message upbeat. You want your students to leave the seminar feeling like they are now more equipped to handle the rigors of law school.

The ASP professional may benefit from thinking like the "Mad Men of Law School." Advertising can tell us a lot about a product in 30 seconds. We have about 45 minutes to tackle some complex concepts. Grabbing your students’ attention is step one, but more importantly the message must be useful if you want them to return.
L.O. Natt Gantt, II, Professor and Director of Academic Success, and Gloria A. Whittico, Assistant Professor and Associate Director of Academic Success, Regent University School of Law

As we consider the professional development of academic support professionals, we should not forget the critical role ASP professionals can play in helping our students in their own professional development. Both Educating Lawyers and Best Practices recommend that law schools need to do more to help our students develop their professional identities. In the discussion of how ASP can support such efforts, it is important first to define what is meant by “professional identity.” The term is often used synonymously with “professionalism,” but as described in Educating Lawyers and additional literature, “professional identity” has a richer, deeper meaning. Although lawyer professionalism has been defined in various ways, its focus historically has been on the outward conduct the legal profession desires its members to exhibit. Lawyer professionalism has often referred to adherence to standards or norms of conduct beyond those required by the ethical rules, and the focus of the current discussion of professionalism largely remains on outward conduct like civility and respect for others.

Civility and respect for others are undeniably important to an emerging lawyer’s professional identity, but professional identity runs deeper, in that it challenges the developing lawyer to internalize principles and values such that the conduct desired will be a natural outgrowth of the individual’s moral compass. By acting consistently with their internal values, emerging lawyers will experience authenticity and find greater personal meaning and satisfaction in their professional lives. As stated in Educating Lawyers, “The kind of personal maturity that graduates need in order to practice law with integrity and a sense of purpose...
requires not only skills but qualities such as compassion, respectfulness, and commitment.” Helping our students form their professional identities is thus a tall order, but it is an incredibly important one as research has shown that law school tends to undermine incoming students’ values and leads them to be “more depressed, less service-oriented, and more inclined toward undesirable, superficial goals and values” than when they entered. We can work against this tendency, however, as research has also shown that individuals continue their moral development well into adulthood; and well-designed law school programs that explicitly seek to promote such development can thus have a profound effect on students’ moral formation.

In studying lawyer effectiveness, scholars have concluded that successful lawyering involves more than technical knowledge and skills. It also involves commitment to certain values, values Professor Neil Hamilton has identified from his surveys of legal employers and clients as (1) “Commitment to self-development toward excellence in all competencies”; (2) “Proactive initiative in exercising all competencies”; (3) “Integrity, honesty, trustworthiness”; (4) “Self-awareness, capacity to recognize strengths and weaknesses, and reflection”; and (5) “Resilience and perseverance.”

As ASP professionals, we often work with students who are facing academic challenges, and in our role, we may be able to speak into students’ lives in a way that others in the law school community cannot. Supporting and equipping students in the midst of these challenges can teach key lessons that help students internalize a commitment to self-development and to resilience and perseverance. By providing students with coaching and specific techniques for how they can overcome these challenges, we can teach students—and model for them—how overcoming adversity leads to strength and thus fosters their professional development.

Moreover, in coaching our students, we help them understand their learning styles and their strengths and weaknesses, and such self-awareness can be critical to their later professional development. The gains they make from tackling these challenges head-on further can build in students a proactive initiative that they take into their professional roles when they face challenges. All this partnering with the ASP professional can, in turn, be a powerful antidote to the tendency noted above for students to become more depressed and adopt less desirable goals in law school; and it can strengthen their commitment to personal integrity, honesty, and trust.

“ASP programming has enormous potential not just to help students succeed academically, but also to help them form their professional identity.”
worthiness. In sum, in our work with students, we can develop their professional identities by not simply talking about skills development but by talking about how being proactive in responding to adversity can lead to key character traits that will serve them well in the practice of law.

Another component of professional identity development discussed in Best Practices is that law schools should teach students to “nurture the quality of their lives.” In discussing the importance of time and stress management with students, we as ASP professionals can encourage our students to find balance in their lives, to pursue their studies with diligence and excellence but also properly to prioritize their other life commitments, such as family and faith. We incorporate this approach at Regent when we discuss with our ASP students how to complete the weekly time management schedules they complete in our Summer Academic Success Program. We discuss with them and have an ASP student mentor show his or her own schedule that includes not just includes class and study time, but also time devoted to family and friends, to exercising and personal wellness, and to other personal commitments.

Finally, scholars have highlighted how the human needs of “self-esteem” and “relatedness to others” show the strongest correlation of any indicator to an individual’s happiness. ASP programming can model for students how seeking help not only can provide academic support but also can foster relationships that create connections with others which, in turn, help shape students’ professional identity. By working with ASP professionals or student mentors, students in need can better understand that they are not alone in their challenges, and they can form relationships that will enhance well-being and model for them the value of service.

In addition to the suggestions noted above, two brief anecdotes from our recent experience will help illustrate how professional identity formation can take place in an ASP context. When a student who had spent the previous semester on academic probation received her final grades, and while in the grip of the shock and disappointment that overtook her, she wrote an e-mail to the associate director of ASP. In screen after screen, she wrote in excruciating detail describing “my horrid Torts grade” and lamented her fate: “I just can’t believe this is happening to me; I tried so hard . . . .” The e-mail made the ASP professional feel quite uncomfortable, not because it employed foul language, disparagement of instructors, or anything of that nature—because it did not. Rather, it simply seemed to have been addressed to the wrong audience. The e-mail ended with the student’s characterization of the whole e-mail as “just venting.”

In a recent meeting with the same ASP professional, another student wanted to discuss his Property outline. Within a few minutes it became obvious that his purpose that afternoon was two-fold. He wanted advice about how respectfully to handle a situation in which certain of his classmates, who apparently were negligent in their preparations for class, seemed to monopolize class discussions. He and some of his classmates expressed the concern that these questions, and the time it took for the professor to address them, were detrimental to their ability to get the most out of class.

Both of these situations involve students who are confronted with problems; in one case, how to han-
dle the disappointment resulting from an unwelcome grade report, in the other, the question of how to handle an uncomfortable classroom dynamic. Both also are examples of “teachable moments” in which ASP professionals are poised in a strategic position to counsel students and help them learn how to discern and respect boundaries and protocols and to resolve problems, especially in situations in which the student feels uncomfortable or overwhelmed.

In sum, ASP programming has enormous potential not just to help students succeed academically, but also to help them form their professional identity. We can help students be civil in their discourse with others, appreciate the value of hard work, know how to prioritize tasks and manage time, recognize how best to respond to challenges and overcome adversity, learn how to work with others, and exercise sound judgment and resolve ethical dilemmas, particularly as they relate to taking inappropriate shortcuts. The authors of Educating Lawyers write how law school “forms minds and shapes identities.” We as ASP professionals must therefore seize the amazing opportunity we have to help guide this forming and shaping process occurring within our students.

References and Further Reading

WILLIAM M. SULLIVAN, ET AL., EDUCATING LAWYERS (2007)
ROY STUCKEY, ET AL., BEST PRACTICES FOR LEGAL EDUCATION (2007) (hereinafter BEST PRACTICES). Although BEST PRACTICES uses the term “professionalism,” the report takes a broad view of the term that encompasses efforts to influence the law students’ values and quality of life. BEST PRACTICES, supra.


Rebecca Flanagan, Assistant Professor of Law and Director of Academic Success, University of Massachusetts-Dartmouth School of Law

Everyone who has ever been to an ASP conference knows we are, as a profession, great collaborators. The folks in ASP love to work together, whether it’s on a committee, in a new professional organization, or as panelists at conferences. It is one of the things that make us different from other legal academics; we are not known for our competitive natures, but we are known for our willingness to help out and work together. Given their collaborative nature, ASP professionals can enrich their teaching and writing by moving outside of the legal academy to work with scholars and professionals that specialize in fields that overlap with academic success.

I have had the opportunity to work with fantastic collaborators from schools of education: Dr. David M. Moss at University of Connecticut Neag School of Education, and doctoral students in education. Three years ago, Dr. Moss approached me about contributing to a book he was editing about legal education. Dr. Moss is not a lawyer; he is the Director of Teacher Education at Neag, and his interest in legal education stemmed from work he had done on curriculum development with his sister, Professor Debra Moss Curtis, at Shepard Broad Law Center at Nova Southeastern. Dr. Moss and Professor Moss acted as my editors after I completed my chapter for the book, Legal Education at the Crossroads, and I found the process illuminating. Being questioned about what is essential to law school academic success led me to think more deeply about how I teach, what I teach, and to question what I know about learning. Leaving the (warm, supportive) echo chamber of ASP professionals, I found so much more I needed to learn about writing and teaching.

My work with Dr. Moss led me to seek out other opportunities to write with people outside of ASP. The past year, I have been collaborating with doctoral students in education on classroom presentations as well as writing projects. Doctoral students, especially those focusing on social studies or justice education, bring a fresh perspective to legal education. Their focus on the art and science of learning adds to my understanding of pedagogical challenges in the law school classroom. Most doctoral students are excited to work with experts in law because it enriches their understanding of the social justice issues. My collaboration with doctoral students will lead to at least one article by the end of this year.

Finding collaborators outside of ASP requires us to step outside the confines of our law schools to find scholars and educators we would not ordinarily meet in our day-to-day interactions. Here are some strategies for finding collaborators outside of the law school:

1. Meet with the Director of the Writing Center at your campus.

Ruth Ann McKinney, emeritus professor at UNC Law, did some
pioneering work on teaching legal writing by collaborating with the Writing Center at UNC, as well as the Center for Faculty Excellence. Law schools are routinely criticized for not producing skilled writers. Writing with a scholar who specializes in teaching writing can greatly enrich the scholarship on how ASP can help produce lawyers with better writing skills.

2. Have coffee with the social studies education professor at a nearby college.

If there is one place that is more warm and supportive than a gathering of ASP professionals, it is your local school of education. Do not be afraid to reach outside of your law school to ask for advice on teaching and learning from the scholars who specialize in those areas. If you work at a research university that grants doctoral degrees, you may find Ph.D. students looking for collaborators. There is tremendous overlap between social studies and civics education and legal education, and while the primary difference is the audience (teaching K-12 students vs. teaching graduate students), there are many topics that may spark fruitful collaboration.

3. Meet with local practitioners and discuss their concerns about the field and legal education.

You might find a collaborator outside the academy if you reach out to local practitioners. Many practicing attorneys have strong opinions about the state of legal education. Collaborating with a practitioner can enrich research in ASP because you can focus on what will help us graduate more practice-ready attorneys.

Collaboration is something that comes naturally to ASP professionals. Collaboration with scholars, researchers, and professionals outside of the legal academy has the potential to enrich our teaching and diversify our professional literature.
O.J. Salinas, Clinical Assistant Professor of Law, University of North Carolina School of Law

When pondering professional development and academic success, I often think about my children. I think about how it is difficult for me to teach my children a lesson – like cleaning their rooms – when my bedroom is not the neatest room in the house. I think about how it is difficult for my daughter to understand when I tell her that she watches too much television, while I am trying to catch up on the latest episode of *Breaking Bad*.

I think about what makes the work we do unique and rewarding. We work in a professional school that helps train future lawyers; but first, we help them learn how to be successful law school students. We are “helping professionals.” We are like a bridge: We help support students as they travel the road from law school student to licensed attorney.

Reinforcing the Bridge

Those of us working in academic success know that we are a helpful and cordial group. We work in academic success for rewards beyond the (often) meager monetary benefits. We work in academic success because we enjoy working with students. We teach. We counsel. We encourage. We correct. We listen. We help.

To ensure our individual professional development and to maintain the strength in our bridge, we need to remember to help ourselves. We need to try to maintain a balance in our lives. We need to recognize when there is instability in our foundation. Are we too tired or frustrated to listen attentively to a student? Are we so busy that we forget to eat? Do we procrastinate or fail to calendar an important meeting?

Most parents might soon realize that we need to model the behaviors that we want our children to appreciate and follow. The same rings true for law school academic success. If we want our students to appreciate the benefit of calendaring and time management, then we cannot regularly miss appointments or show up late to meetings. If we want our students to pay active attention in class, then we need to actively listen to our students when they talk to us in individual conferences. If we want our students to reach out to us when they face an obstacle that affects their academic success, then we must also recognize when we need to reach out for help when an obstacle affects our professional success.

To help maintain the foundation in our bridge, we can follow some of the same strategies that we encourage our students to use as they transition through law school. We can monitor our thoughts and actions. We can practice alternative choices and behaviors. We can evaluate whether our alternative choices and behaviors positively impact our students and our professional development.

Self-monitoring

Self-awareness is important to any helping professional, including academic success professionals. Just like therapists are trained to monitor whether their personal beliefs and biases impact their ability to accurately listen to their clients, we need to train ourselves...
to identify when a physical or psychological limitation impacts our ability to help our students. When we are tired, mentally drained, or missing important appointments, we need to look inward and remind ourselves that our students often look to us for guidance. They may see us as individuals who have successfully navigated through the law school experience; they may want to mirror our behaviors. If we are not aware that we are practicing bad behaviors, then we may not carry ourselves in the manner that we would want our students to carry themselves. We may be the parent who tells his child to make her bed, when the parent’s bed is left unmade.

Encouraging self-awareness is common in academic success. We often work with students who are unable to identify or even acknowledge a potential weakness in their study habits. We may ask these students to self-monitor. For example, we may ask the students to be cognizant of what they are doing or thinking about while they are studying or taking notes. This self-awareness hopefully leads the students to an honest identification of potential problems in their study habits, which in turn may lead to a discussion about ways to modify their study habits to produce more effective academic results.

Just like the students who benefit from self-monitoring, we can strengthen our individual professional development by monitoring ourselves. When we are cognizant that our thoughts and actions can impact students, then we can be more cognizant as to whether our thoughts and actions create instability in our bridge.

Practice and Evaluate
Once we have identified potential instability in our bridge, we can work on ways to change. We can practice alternative choices and behaviors, and we can evaluate whether these choices and behaviors help create stability in our bridge.

Parents may tell you that it is quite rewarding to see their children make good choices. It also can be rewarding for the child to receive positive feedback from her parents after making these choices. This positive feedback may reinforce the child’s decision to continue making similarly better choices.

Like the child who might be praised after she attempts to clean her room, the changes that we make after self-monitoring can positively impact our students, as well as our professional development. For instance, if our self-monitoring revealed to us that we have not been actively listening to students, we could practice an alternative behavior prior to meeting with a student and then evaluate whether this behavior made a positive change or not. Prior to meeting with the student, we could decide to take a short walk down the hallway or briefly step outside for some fresh air. During and after our meeting with the student, we could self-monitor. Our self-monitoring could help us evaluate if the practiced behavior was useful. If the practiced behavior was useful, our self-monitoring, along with any positive feedback that we receive from a student who appreciated our attentive listening, could encourage us to continue to make similar behavioral changes. If the practiced behavior was not useful, our evaluation likely would lead us to another alternative behavior to practice.

Practice and evaluation are common in academic success. For example,
we often ask our students to practice a variety of strategies when they first learn to read cases. These strategies may include reading the table of contents first to see where the case fits within the course content and syllabus, reading the holding of the case first to help provide context to the facts and procedural history, or actively taking notes and writing questions when the students read the case the second or third time. After self-monitoring, the students can evaluate which reading strategy most effectively helped them read and understand the case. If the strategy was useful, the students may be more encouraged to use it again.

Additionally, we often encourage our students to take practice exams under conditions that mimic the conditions they will encounter during final exams. We ask our students to evaluate their preparation and performance on these practice exams. They may ask themselves: How and what did I study in preparation of the exam? Could I have more effectively used flashcards or hypothetical questions to help me issue spot? Did I give myself enough time to analyze the question and type my answer? If the students were not satisfied with their preparation or performance, they may be encouraged to practice alternative studying or test-taking strategies that may produce more positive results they next time they practice an exam.

Just like the students who may benefit from practice and evaluation, we can strengthen our individual professional development by practicing and evaluating alternative choices and behaviors. When we acknowledge the positive changes that we make after self-monitoring, we may be able to more positively impact our students and ourselves.

**Conclusion**

As academic success professionals, we want our students to succeed. We try to help our students reach and exceed their academic potential. We often work with students before they start law school in some type of pre-orientation program. We often work with students beyond their graduation as they prepare to pass the bar exam. And the list of jobs we do in between these bookends is so vast that it is difficult to appreciate the time and energy that it takes to successfully do our job.

Let us all remember to try to practice what we preach to our students. Let us apply what we learn in our wonderful professional development activities and resources to our own lives. Doing so will not only make us appear more credible to our students and colleagues, but it will also help us continue to do what we love to do: help others. We cannot continue to do our job at the pace and effort that we feel is necessary to successfully help our students if we do not focus on some pace and effort in our individual lives. We cannot continue to be that strong and supportive bridge that our students deserve if there is instability in the foundations of our lives.

**References and Further Reading**


To catch the reader’s attention, place an interesting sentence or quote from the story here.

Lessons from My Scholarship Journey

Robert F. Somers, Professor of Lawyering Skills, Whittier Law School

“The journey of a thousand miles begins with one step.” This is sound advice to get you started writing a law review article, but regardless of planning, the journey is likely to be difficult, with many wrong turns and dead ends that add time to your journey. Time is precious to academic support and legal writing professors—papers do not grade themselves—but we still need to publish for our professional development. Hopefully, my experience writing my first law review article can be a lesson (mostly in what not to do).

The most difficult task of writing an article may be finding a unique topic of interest that warrants the extensive analysis a law review article requires. I was lucky because the topic for my article originated when I learned the facts and verdict of a slander case. The verdict was based on a law I found irrational and thought should be changed. Additionally, I was motivated to give plaintiffs’ attorneys one source in their favor. Fortunately, my topic had not been addressed in any authority. Thus, I had stumbled upon a unique topic of interest that required extensive analysis.

I was fortunate in stumbling upon a unique topic, but if you have an area of interest, you are in a much better position than professors who do not have one because you have knowledge of the topic and you may know of gaps in the scholarship that you can exploit, you can build on your own work, and you can develop a reputation in that area of law. In contrast, before my defamation article, I considered teaching and legal writing topics but did not find a unique topic that warrant ed a law review article. I also researched the Catholic Church’s sexual abuse scandal, charitable organizations, sentencing law for attempt crimes, the fair use exception to the right of privacy, and copyright infringement for musical works. While I received satisfaction in learning about these topics, I spent considerable time researching them and have no resulting publication. Moreover, I am not enthusiastic about further developing my defamation scholarship because I do not have a strong interest in it generally. Consequently, I will not enjoy the benefits of developing one area of expertise. Therefore, I advise choosing a topic of interest that allows for more than one piece of scholarship.

Regardless of your topic, make sure that you can consistently work on your article because intermittent work will add hundreds of miles to your journey. For example, I knew the general framework for my article by spring semester 2009 after researching and writing during winter break 2008-2009. But during that time, I was writing appellate briefs on a contract basis during breaks, which meant adhering to court-imposed deadlines. Therefore, during breaks in 2008, 2009, and 2010, my appellate work came first. Additionally, during the school year, my professor duties came first. Add a family and a hobby to my required duties, and working on the article quickly dropped down the to-do list.

Consequently, I suspended work on my article for months, which was a major mistake even though I had kept detailed research and activity logs (just as we advise our students to do in their research and writing assignments). In my research logs, I tracked what I had done and what I needed to do. Research and activity logs do not help unless you follow them. Unfortunately, instead of “wasting” time reviewing my logs before resuming work, I often resumed work from memory or addressed ideas that occurred to me during a break. Most of these “new” ideas were ideas that I had previously researched months or years earlier, which resulted in repeating work. Thus, in addition to keeping detailed logs of what you have done and what you need to do—follow them.

Fortunately, in summer 2011, I was finally able to work on my article for many hours a day for
several months due to a summer stipend that enabled me to forgo new appellate work. The resulting rough draft superseded nearly all the work I had done from 2008 through 2010. Regrettably, after summer 2011, my professor responsibilities and lingering appellate responsibilities kept me from working on the article consistently until summer 2012. The long delay still required substantial time to get back up to speed, but the experiences I have outlined here allowed me to complete the article. Looking back on the process, I was infinitely more productive when I worked on my article day after day, and long breaks cost me incalculable hours. Therefore, if you are going to embark on the journey, be sure that you can consistently commit time to it.

When you finally finish your first article, do not be selective submitting to publications. You are better off having to choose between multiple offers than not having any offers from which to choose. Luckily, the days of mailing physical copies are over. I used ExpressO to submit my article to over one hundred publications. It was simple and inexpensive. I also recommend using Scholastica, given its growth since I placed my article. Once I received an offer, I requested expedited review from the other publications, which resulted in more offers. Experienced faculty advised me to choose the publication with which I was the most comfortable as long as the article will be available on the major online services, unless I received an offer from a very highly ranked school’s publication. Some faculty limited this advice to choosing a domestic publication instead of a foreign publication. Additionally, they advised me to retain ownership of the copyright by either licensing it or obtaining a co-copyright to avoid needing the publisher’s permission to use the article. By following my colleagues’ advice and by communicating and negotiating with the publishers, the selection process went smoothly. Consequently, I actually advise following in my footsteps for the submission and selection process.

In conclusion, writing your first article probably cannot be quick and easy, but I think it can be quicker and easier than my experience. You just have to take the first step and keep putting one foot in front of the other consistently. The satisfaction you will feel when the article is published makes the journey seem insignificant.

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Quote attributed to Lao Tzu.

Robert F. Somers, Slander? Prove It: Why a Two Hundred-Year-Old Defamation Law Should Be Changed, 19 Sw. J. Int’l L. 133 (2012) (reviews, criticizes, and urges changing the American law that bars defamation lawsuits founded on evidence obtained by undercover agents sent by plaintiffs, which is the issue in Eggleston v. Klemp, 295 F. App’x 233 (9th Cir. 2008), aff’g No. CV 06-218-N-EJL, 2007 WL 1468686 (D. Idaho May 18, 2007). Before I wrote the article, I knew nothing about defamation law, so I thought that the district court judge made a mistake in granting summary judgment for the defendant where the plaintiffs’ evidence of slander was primarily obtained by undercover agents sent by them. However, the court based its decision on a correct application of the law.


Returning to the Basics:
Rethinking the Meaning of “Practice” in Law School

Reichi Lee, Assistant Director, Academic Development Program, Golden Gate University School of Law

Legal education is in crisis and everyone is talking about it. When the economy took a nosedive, legal jobs were no longer handed out on a silver platter and law firms began to balk at the expense of training lawyers. You can’t surf the internet without reading yet another blogger’s lament on ‘what law school does not teach you’ or why one ‘should not go to law school.’ Those forces, coupled with the sky-rocketing costs of legal education, have even the United States President (himself a former law professor) suggesting that law school should be shortened to two years. In response, law schools are forced to justify their existence and the code word for survival is the production of “practice-ready” lawyers. However, there is little discussion on what “practice-ready” means, or rather, what it should mean. Much of the fanfare is on preparing students for legal practice (as in clinics or other experiential learning) and little attention has been given to the other meaning of practice – as in practicing the fundamental skills that comprise the practice of law. Perhaps the future of legal education actually lies in revisiting the basics that have produced good lawyers for decades.

Practice (the reinforcement type) is crucial once we understand who our students are today. Contemporary law students are “digital natives” – they have grown up in a digital age that has transformed the way they read, think, manage, and seek information. They are accustomed to “bits” of information; reading is performed on a much quicker speed and on a more superficial level than in generations prior. Differentiating between types and quality of information, reflection, critique and analysis, are at best a fleeting thought, if performed at all. In other words, literacy itself is changing. Our students are masters at finding and disseminating information, but they lack the ability to sort and evaluate its quality.

The type of literacy that law requires, on the other hand, is a linear one, focused heavily on reading and analyzing text. Law students must be able to trace a single idea through a line of cases, and extract and synthesize legal rules and principles from the factual contexts of those cases. They must then adapt and apply analysis from one set of facts to a different set of facts. Proficiency in law requires repeated concentration, precision, patience, and the ability to make reasoned decisions – not exactly qualities bred by today’s culture of instant gratification.

Enter academic support services. Historically, academic support services were created for minority students specially admitted to law school under affirmative action admission programs as part of a movement to diversify the legal profession. It was thought that these students, admitted with lower indicators, generally have a more difficult time in law school than their non-minority peers and a program was instituted to provide them academic assistance. Today, that view is outdated as we can no longer assume that only a select few need extra help or that the stronger students will somehow “figure it out” on their own. Further, in a time of declining applications, more schools are admitting students with lesser credentials compared to years past. Thus, the better view today, is
that every student can benefit from the integration of academic support services into their first year curriculum. Specifically, academic support in the form of skills instruction taught alongside doctrinal material, providing for multiple opportunities for practice and feedback, does just that – targeting deficiencies and honing skills in a guided and consistent manner as soon as students walk in the door.

It should be noted that the “skills” referenced herein are foundational skills that all law students need to master in order to become critical thinkers and problem solvers. These building blocks include the ability to effectively refine large volumes of information into workable form, distill cases down to precise rule statements and understand their legal significance, distinguish relevant facts from irrelevant ones, and analyze an issue by applying the present facts to the rule and evaluating all potential arguments. The mastery of these skills not only leads to better overall performance in law school, but lays the foundation for “practice-readiness.”

At Golden Gate University School of Law, each entering 1L is required to take a minimum of one Practice Intensive Course (“PIC”) in a first year subject, such as Torts or Criminal Law. Professors who lead PIC courses incorporate the skills component into the classroom and provide meaningful, written feedback to each student on a minimum of three written assignments of varying lengths and format. Consequently, students benefit from seeing skills come to life through the substantive material. They experience the value of a professional explaining and demonstrating the expectations of a work product and mocking up their work. Professors who commit to PIC courses follow a basic but critical premise: instruct, demonstrate, practice, and provide feedback. At GGU, PIC courses are also offered in some upper-division required courses.

For today’s students, the mastery of foundational skills requires a completely new way of processing information – one that cannot be gleaned from the internet. To be effective, skills instruction in a doctrinal course must be premised upon a small set of identified learning outcomes agreed upon by the faculty who teach these courses. The learning outcomes (such as information management, factual analysis, and case analysis) form the basis for the written exercises. As a result, professors who lead PIC courses deliver a unified message across the student body about the intended benefits, goals, expectations, and requirements of PIC courses.

Most students hunger for feedback from their professors, but traditionally only receive minimal feedback on midterms and final exams – when it is too little, too late. Through repeated practice and feedback early on and throughout the semester, students benefit from targeting their weaknesses as they adapt to a new way of thinking and working with information. The tangible improvement that comes with practice and feedback, as we have seen at GGU, not only leads to better performance on exams, but instills discipline and confidence in students that can transform the remainder of their academic careers. These self-regulated learners in turn will make for more skilled and thoughtful lawyers.

There is no doubt that the legal profession must grapple with some difficult questions. But if the past is an indicator of the future, there will always be a demand for good lawyers, and good lawyering begins with a mastery of the basics. Academic support infused into the first year curriculum is an important step towards preserving the value of a legal education and producing lawyers people want to hire.

References and Further Reading


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Dr. Amy L. Jarmon, Assistant Dean for Academic Success Programs and Lecturer, Texas Tech University School of Law

Originally posted on September 17, 2013 on the Law School Academic Support Blog. Used with Permission.

During the last few years I have been blessed with some writing opportunities that have taught me a great deal about putting words on paper while juggling a busy ASP office. In addition to writing articles for the Student Lawyer and writing blog posts, I have had the opportunity to publish Time and Workplace Management for Lawyers through the ABA this past spring.

If anyone had asked me before these opportunities if I would ever be published in any format, I would have been skeptical because my full-time job is so busy. Here are some of the tips that I can pass on to ASP’ers who might want to write but who are unsure how to get started:

- Realize that you have something to say that can help law students and your colleagues. ASP’ers may discount their expertise if they are treated as "just administrators" and peripheral to the law school experience in their work settings. ASP’ers are experts and with declining law school applications, becoming more important because of the changing law school populations.

- Look for opportunities to write articles in related disciplines. Legal writing, balance in legal education, pre-law advising, teaching legal education, and student services are a few of the overlap areas that often have academic support writing opportunities.

- Consider starting your own blog or web pages. You can use tweets to gain followers.

- Consider posting your research papers on SSRN either as finished works or as working papers for comment.

- Set aside time in your schedule to write so it will happen instead of staying just a wish. I work in the evenings and especially on the weekend when I have articles and book projects. An article of 1,200 words may take me 8 hours of writing time and 2 hours of editing time. My book on the other hand went through about 5 drafts during the approximately 20 months before the manuscript went to the publisher.

Writing is not for everyone. It is okay not to be interested in such tasks if you are not required by your law school to publish. However, if writing appeals to you, make time for it. Being published can add to your resume, your own feelings of personal accomplishment, and your credibility with ASP’ers, faculty, and students. Most of all, enjoy the process and the opportunities.
Mary Ann Robinson, Associate Professor of Legal Writing, Villanova University School of Law, and Alison D. Kehner, Legal Practice Skills Lecturer, University of Pennsylvania Law School

Producing scholarship can be daunting, especially for those of us considering writing our first article. We would like to share the benefits and challenges of joint scholarship for anyone thinking about trying to write and publish, possibly for the first time.

Benefits of Joint Authorship – Half the Work and Twice the Fun?

One of the primary benefits of joint authorship is an obvious one: sharing the workload with someone else. Joint authorship worked for us because our topic had discrete sections that we could separate and work on independently. We divided the research between us and each wrote separate parts of the article. Yet, we still were able to share our ideas and brainstorm together about ways to approach the tasks before us.

That opportunity, perhaps even the necessity, of brainstorming together was the second big advantage of joint authorship. For those of us new to producing scholarship, there really is safety in numbers. We all wonder, at least initially, whether we have an idea worthy of publication, or whether our conclusions are sound and well supported. Having a co-author and writing partner helps build confidence in the value of the ideas being explored. Increased confidence is easy to achieve if you pick a co-author who you think is smarter than you are, as we both did.

That last sentence may sound impossible, but we suggest choosing a co-author whose abilities complement yours rather than one whose abilities are identical. For our article, one of us had strong research skills and a keen ability to synthesize lots of material. The other was comfortable with technology and could create a survey and analyze the results for a different aspect of our research. We could each appreciate and benefit from the different strengths we brought to the project.

Having a co-author also keeps you on schedule. Needing to meet someone else’s expectations can fend off the natural inclination to procrastinate when one only has to answer to oneself. We created a series of mini-deadlines for certain work to be completed, and we scheduled regular times to talk that kept us both on schedule. It was also a reward to be able to discuss our progress with someone else who was keenly interested. Working with a partner also can help overcome the sense of isolation that can result from being immersed in a solitary research project.

Challenges of Joint Authorship – Was Andy Warhol Right After All?*

If the benefits of joint scholarship are so great, why don’t more of us write with co-authors? The most obvious reason comes from one of the primary purposes of producing scholarship. If you are writing to fulfill a requirement for tenure or some other kind of promotion, joint scholarship usually will not fulfill that kind of writing requirement.

You also have to choose your partner carefully. One fear is having to do all (or most of) the work, but then having to share the credit. Another is that your working styles will be so different that the collaboration will fail due to an inability to effectively divide the tasks or execute them in a complementary way.

All it takes is the right author needs to be flexible – even an enjoyable way to enter the world of academic writing. It all takes is the right partner, careful initial planning, and ongoing regular communication.

**“But I always say, one’s company, two’s a crowd, and three’s a party.” – Andy Warhol

References and Further reading:
If you are interested in the article that we produced and scheduled exchanges of work-in-progress reports help keep both authors on task and make sure each fulfills her part of the shared goals for the article. Of course, each author needs to be flexible to allow for changes in direction that can come after the research begins. Ongoing communication is key to a successful partnership.

With planning and mutual respect, producing joint scholarship can be manageable – even an enjoyable way to enter the world of academic writing. All it takes is the right partner, careful initial planning, and ongoing regular communication.
Welcome to ASP: How Hiring and Training Peer Mentors Aids in Professional Development

DeShun Harris, Assistant Director, Academic Success Program, UNLV, William S. Boyd School of Law

My experience in a program with a peer-to-peer mentor component assisted with my development as an academic support program (ASP) professional. This article highlights the ways an ASP professional can use hiring and training peer mentors to aid in her own professional development. Professional development is a learning opportunity that “deepens and extends [one’s] professional competence, including knowledge, beliefs, motivation and self-regulatory skills.” One may develop professionally by critical reflection: the process of determining assumptions or expectations, evaluating those assumptions, and considering the need for revision. Critical reflection is the process by which we can transform our practice. It is an ongoing learning process that allows us to make changes in line with our changing views and the changing landscape of legal education. Hiring and training mentors forces the ASP professional to reflect on two important questions: “Who are ASP professionals?” and “What do ASP professionals do?”

Hiring: Defining ASPish

The hiring process starts with a question: What are the desired qualities of a peer mentor? Because peer mentors are often an extension of an academic support program, the advisor must reflect on the idea of “ASPish” (a term of art created by members of the ASP community). The process allows her to evaluate her own qualities and whether or how she might demonstrate ASPishness. Questions that may guide this reflection include, but are not limited to, the following: What are the valuable traits of a peer mentor? Does a peer mentor need to be exceptionally strong in academics? Should the peer mentor be relatable? Is it important to have a traditional background (straight from college to law school with limited work or life experience), or does diversity matter? Each of these questions can help the ASP professional think hard about the assumptions and beliefs she has about the qualities that are valuable for the ASP professional and for the peer mentors. Those assumptions and beliefs are shaped by her life experiences and by who she is as a person. True professional development brings these assumptions and beliefs to light, so she can critically evaluate and make changes.

After critical reflection, the ASP professional can apply what she has learned. The hiring process provides this opportunity because the ASP professional must describe and articulate her beliefs and values in the job announcement, the application, and the interviews. The ASP professional can use her new perspective to create or edit these communications. For example, if she determines that being relatable is important, then during the interview process she could ask questions to elicit that information. She might ask hypotheticals centering on a student’s struggles and ask how the prospective mentor might relate.

The ASP professional can apply what she has learned by assessing her own practice. She can reflect on the question, “How do I as an ASP professional demonstrate these desired qualities?” If she determines that ASPish means being collaborative, an outside-the-box thinker, compassionate, and valuing diversity, then what is the evidence of those qualities in her own practice? Additionally, exhibiting these valued qualities is important if she wants her peer mentors to follow her lead.

It becomes important to reflect critically on how to demonstrate the valued qualities, but also on the application of these qualities. This creates a cycle of reflection and transformation. For example, in the reflection stage one may ask, “If outside-the-box thinking is an important quality, then how do I exemplify that quality? Is it by research? Is it by engaging with others outside of my field? Both?” Once the ASP professional evaluates these options and defines what the quality looks like in practice, then she can begin to plan. For example, she may plan to read at least one educational article each week or attend a technology conference. This process of critical reflection and change is never complete.

Training: Defining the role of ASP

Training mentors moves from reflection on the qualities of being ASPish to another question: What is the role of ASP? Because mentors must be taught about their role, the ASP professional has the opportunity to reflect on her own role. She can engage in reflection by asking the following: What is the role of
Welcome to ASP (cont’d)

ASP at my school? Is the role of ASP to teach substantive law, primarily analytical strategies, or both? Does the role have a relational component, such as counseling students through life issues? Is the role of ASP to facilitate collaborative learning or to create community? She may find that her questions lead back to evaluating the qualities of an ASP provider: Are certain qualities required to fulfill the role of ASP? For example, does being relatable equate to the ability to address the emotional needs of students? Critical reflection will often lead back to lessons we believe we have learned, forcing us to reassess our assumptions and beliefs and creating the potential for ongoing reflection and transformation.

Choosing training materials, resources, and criteria for evaluation can serve as a catalyst for application. The ASP professional can use what she learns through critical reflection to communicate more effectively to the peer mentors. One way she could do this is by using a training session to focus on assisting students with difficult life circumstances (anger, depression, etc.). She could provide students with literature on the signs of depression, discuss hypotheticals, and educate the peer mentors on referrals for professional services.

A second way to apply her learning is by using the peer mentors’ practices as feedback. Because mentors often mirror the role of the ASP professional, their practices may help her reflect on her own. She may define her role as teaching analytical skills using substantive law to provide context, but she may find that the peer mentors focus on substantive law over teaching analytical skills. This may lead the ASP professional to reflect: Do I fulfill the role of ASP? Other questions she may ponder include: Are the trainings and evaluations of the mentors consistent with my view of the role of ASP? Are my beliefs concerning ASP’s role inconsistent with the beliefs of the school I serve? Is there a difference between what I say about the role of ASP and what I do?

After the ASP professional has time to reflect on her values and beliefs regarding the role of ASP, she can begin to act. Perhaps through reflection she discovered that her views of ASP’s role conflict with the views of her school. For example, her view may be that ASP serves every student, but her school’s view is that ASP serves only struggling students. She can plan how to bridge the two views. For instance, she might plan to distribute flyers to students, staff, and faculty promoting all the services she provides and emphasizing that services are available to all students. She might collaborate with first-year doctrinal faculty members to reach a broader range of students, or to demonstrate the strategies she uses to help any student. After she makes changes, she will need to reflect on what underlying assumptions and beliefs led to these changes, evaluate them, make additional changes, and then repeat the process. In this way, the ASP professional continues to develop her practice.

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Call for Submissions

THE LEARNING CURVE is published twice yearly, once in the summer and once in the winter. We currently are considering articles for the Summer 2014 issue, and we want to hear from you! We encourage both new and seasoned ASP professionals to submit their work.

We are particularly interested in submissions surrounding the issue’s theme of “Lesson in a Box.” Are you doing something innovative in your classroom that can be “packaged” to share conveniently with others? Do you have a fresh take on technology or what it means to be “ASPish”? Do you have proven exercises and assessment tools from which your colleagues might benefit?

Please ensure that your articles are applicable to our wide readership. Principles that apply broadly — i.e., to all teaching or support program environments — are especially welcome. While we always want to be supportive of your work, we discourage articles that focus solely on advertising for an individual school’s program.

Please send your submission to LearningCurveASP@gmail.com by no later than May 20, 2014. Attach it to your message as a Word file. Please do not send a hard-copy manuscript or paste a manuscript into the body of an email message.

Articles should be 500 to 2,000 words in length, with light references, if appropriate. Our publishing software does not support footnotes that run with text, so please include any references as endnotes or in a references list at the end of your manuscript.

For more information, you may contact Courtney Lee at clee1@pacific.edu. Please do not send inquiries to the Gmail account, as it is not regularly monitored.

We look forward to reading your work and learning from you!

- THE LEARNING CURVE Editors

You only fail if you stop writing.
-Ray Bradbury
The Learning Curve is a newsletter reporting on issues and ideas for the Association of American Law Schools Section on Academic Support and the general law school academic support community. It shares teaching ideas and early research projects with a focus on models and learning environments that create positive learning experiences for law students.

For more information about THE LEARNING CURVE, its content, or its editorial and selection processes, write to Courtney Lee at clee1@pacific.edu.

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