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# Picking Participants without Picking on Students

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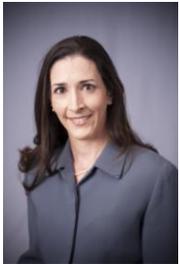
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## Picking Participants without Picking on Students



By Kara K. Hatfield<sup>12</sup>

“Pick a card, any card.” That’s my new opener to class discussion of cases.

Last year, my first year in teaching, I taught Civil Procedure to two groups: one with 41 students and the other with 68 students. In class I sometimes lectured and mostly used



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a modified Socratic approach, posing questions about the cases to the students. I sometimes asked students to provide a response to a hypothetical contained in the textbook, and I sometimes asked students to read a new problem on a PowerPoint slide on the screen and answer the “insta-hypo.” I struggled with how to choose which student to select to participate. There were some students who raised their hand to answer any and every question I asked, and others who never made eye contact, let alone raised a hand or even an eyebrow. I experienced a little inner joy every time someone other than “the usual suspects” raised his or her hand, and I usually called on the fresh volunteer to reward that student for making the effort and to keep the class discussion infused with new voices and perspectives. Sometimes I followed the “volunteers first, victims second” method of choosing participants, selecting a student who hadn’t yet participated when no one was willing to answer the question. And, on occasion, I called on students who looked like they were daydreaming or likely IMing (typing while no one was talking), just to bring them back into the conversation they seemed to have checked out of.

At the end of the fall semester, the students’ course evaluations contained criticism that I played favorites (giving the “easy” questions to students the evaluators believed I liked) and picked on students (calling on people the evaluators supposed I didn’t like just for the purpose of making them look foolish). The student evaluations gave me far too much credit for being intentional in my choices; my assessment of the semester was that I had not been proactive in my choices. I had only been reactive, responding to the class participation options presented to me by the students.

In the spring semester, I changed my selection methods only slightly; for all the criticism the students had about how class participation was being managed, no one offered any alternatives.

One afternoon I was visiting my friend Max, a professional magician, and I saw some blank playing cards on his table. I asked him what they were for, and he explained a card trick where an audience member writes her name on one of the blank cards, puts it in the deck with the other standard playing cards, and later in the show her card is produced as the result of some other trick. And I said, “I wish I could magically produce a playing card with a student’s name on it to make them answer my questions . . . .”

Max said he could teach me how. But I declined, stating it had taken me a long time to learn how to be a lawyer, and I felt I was challenged enough learning how to be a professor that I didn’t also need to try to become a magician. But I thought of what magicians say as they fan a deck of cards in front of some audience member: pick a card . . . , any card.

I bought some decks of blank cards from Max and at the start of this school year, I wrote each of my new students’ names on a card. I again have two groups: one with 60 students and the other with 90 students. For my morning class, I have a deck with red backs (all 60 cards in one box), and for my afternoon class I have blue backs (split into two boxes with 45 cards in each). For the first two weeks of classes, I relied on the volunteer method of getting participation. However, I informed the students that I would soon change the method, after

people had time to see the pattern of questions and answers and understand what was expected.

At week three, I came to class with my decks of cards. As we went through some of the preliminaries and administrative things about class, I stood at the front of class, shuffling the deck. Rather than the common look of concern or angst on my students' faces, I saw curiosity and interest. I told the students we were going to discuss a particular case and to open their books. Finally, I walked into the "crowd" and approached a student, fanned the deck, face down, and said, "Pick a card, any card." The student selected a card, turned it over, and announced, surprised, a student's name. I told the selected student that he would be answering a few questions. And we went to work. After some time, I approached another student, fanned the deck, and gave the same instruction. The selected student answered a few questions, then I approached another student to draw another card, and finally another. Sometimes I asked "opinion" questions to the entire class, and allowed volunteers to contribute their thoughts to the discussion, to try to keep the entire class engaged.

After class I emailed the four students whose cards had been drawn and thanked them for their participation. I told them their cards would be kept out of the deck for the next class meeting, but that they were free to volunteer that day. Their cards would go back in the next the following class. One of the students emailed me back saying that he thought the cards were a great idea and that he would like the opportunity to draw a card at the next class, and repay the "favor" to someone else. Now I keep a running list of the students who have had their cards chosen and in the order in which they were drawn, they get to select the next card/participant.

Several fun and funny moments have come out of the cards. One day, a student whose card was drawn hollered across the room at the student who had drawn him, "Hey, I thought we were friends!" The other student responded, "Hey man, don't hate the player, hate the game." We all had a good laugh. And I was grateful that, it seemed, at least they didn't hate ME.

The next week, a student's card was drawn and the woman next to him blurted out, "I TOLD you!" as those around them giggled. Shocked at the disruption, I looked at her and she explained that earlier in the morning she had predicted that student's card would be drawn, and that she had accurately predicted another student's card would be drawn the class before. I now call her The Oracle of Blackmun (the name the school has for that section of students). At the next class, I told her that our card game was like pool: it only counts if you call your shot beforehand. I asked her to predict who would be drawn that day, and I told her that I had two passes to a local comedy club I would give her if she was right. I asked for four names and wrote them on the board. Then I told her that if she was wrong, those four students would be in a drawing and one of them would receive the tickets. That day, everyone was paying attention. But The Oracle was not accurate and one of her failed predictions received the tickets.

A student made a spoof video about midterm exams, and the cards got a humorous mention: <http://www.youtube.com/watch?v=oB0ucp1UciU>

A student came during office hours to review some material and he shared that he likes the deck of cards. He said that he prepared more thoroughly for Civil Procedure class than for his

other classes because in CivPro, he knew he was at risk of being called on every day, whereas in his other classes, professors mostly called on students who raised their hands and he could be less prepared and rely on the usual volunteers to answer all the questions.

I am pleased that the students seem to be enjoying this “game” a little bit, and that it might be encouraging better preparation for class. I am also satisfied that I am not perceived as being blame-worthy for the class participation; I cannot be said to be playing favorites or picking on anyone. It’s all in the luck of the draw.

Blank playing cards can be purchased at many online retailers, but also at [www.maxkrause.com](http://www.maxkrause.com) under “merchandise.”