How Flipping the Classroom Made My Students Better Legal Researchers and Me a Better Teacher

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By Alex Berrio Matamoros

Like most law students, my initial exposure to legal skills instruction was a first-year legal research and writing course. During that course I was surprised by how much classroom time the instructor spent lecturing about research, analysis, and writing, and how little time we spent actually practicing these skills in the classroom. Yes, there were times when the class broke into small groups to examine case digests together or discuss each other’s analysis of the facts. However, these active learning exercises were the exception, not the norm. Having previously taught a website design course where I found that students performed better when I lectured less and practiced skills more, I was puzzled by the amount of time my legal skills instructors lectured instead of practicing legal skills in the classroom.

Three years later, in the fall of 2010, I prepared to co-teach my first upper-level legal research course as a newly minted law librarian and lecturer. Nervously readying myself for this undertaking, I thought back to my disappointment with the minimal in-class skills development in my 1L legal research and writing course. I was determined to somehow introduce more in-class active learning opportunities to help my students master legal research. Many law schools were beginning to place greater emphasis on legal skills development and experiential learning to better prepare students for practice and make them more competitive in their job search. Yet many legal skills courses continued devoting large portions of classroom time to lecturing on the prevailing approaches rather than using that time to work on skills development in class. I felt that time spent lecturing was taking away from the classroom time students could spend practicing lawyering skills under the guidance and direction of an experienced instructor.

The Internet and the use of electronic devices has deeply permeated how courses are taught, and I looked to technology for a solution to what I considered the “lecture problem” in legal skills courses. Inspiration struck on the first day of class because my co-teacher had recorded her portion of the lecture for students to watch in her absence. As I watched the video with the class, I worried that I would not have time to cover the research demonstrations that accompanied the material I was teaching. It then occurred to me that if I had assigned the video with the readings I could have avoided running out of time. I recorded the demonstrations as online video tutorials for the students to watch before the next class. The following week I was pleased to hear that the students liked the recordings because they could re-watch my approach to conducting legal research until they fully understood the benefits of that approach. The positive feedback helped me realize that recording additional videos and assigning them to be viewed
before class would free up classroom time for either small-group work or whole-class problem solving sessions. At the time I was not aware that I had stumbled upon the “flipped classroom” approach of teaching that was quickly growing in popularity throughout K-20 education.

Because of recent media attention, most educators are now familiar with the flipped classroom pedagogy. Flipped classroom adopters set out to create more time for in-class active learning opportunities by finding ways to extract the passive lectures from a traditionally taught class, requiring students to review them before coming to class. For example, a legal skills course may traditionally have lengthy in-class lectures with some classroom time used for skills development. Students are then either assigned homework exercises or told to practice non-written skills on their own or with a partner outside of class. Adopters flip that structure on its head and record lecture videos for students to view online before class instead of the homework they were traditionally assigned. Classroom sessions are spent first reviewing the material from the reading and videos to ensure understanding while providing an opportunity for students to ask questions and seek clarification. The remainder of the time is dedicated to students practicing those skills in class. Instructors are present to watch students’ execution, give immediate feedback, prevent bad habits from forming, and ensure that students put the necessary effort into building that skill set.

In fall 2012, I joined the library faculty at CUNY School of Law, where I was given the trust and flexibility to pilot using a flipped classroom approach in my 18-student section of the required two-credit, 1L Legal Research course. After reading several accounts of how flipped classrooms were implemented, I began by stripping my lectures of any information that was not vital to my students’ understanding of the material. Like most adopters, I used screen-recording software to capture videos narrating explanations of the material while PowerPoint slides appeared on screen. I began classes with a few slides that reviewed the major points of the material from the reading and videos. I asked students to post questions online after reading and watching the videos that I then reviewed and often answered online. I looked at the questions once more before class to be sure I also addressed them live. After answering questions, I guided my students through analyzing a legal issue in an example fact pattern before demonstrating how to conduct the related research within the scope of that day’s topic. Students then spent the majority of the time working on the exercises that were previously assigned as homework while I walked about the room, constantly answering questions posed by the small groups and clarifying areas where I noticed confusion.

Many law school faculty have already adopted a flipped classroom in some of their skills and doctrinal courses. A web search for “flipped classroom” and “legal education” brings up numerous blog accounts of their experiences with flipping the law school classroom. Some law professors use videos made available by LegalED, an online community of law school faculty who create and share their lecture videos for others to use in flipping their classroom. Applying a flipped classroom approach in other legal skills courses or experiential learning situations is rather straightforward. Lectures on effective advocacy in pre-trial motion drafting, or structuring a closing argument,
or mediation concepts and models can be pre-recorded and assigned to students along with the reading. In class, the instructor will have additional time to dedicate to skills development. For instance, there is more time to allow students to draft a motion to dismiss while the instructor makes suggestions on how to improve the motion; or more time to discuss how students might structure their closing argument for the specific scenario presented before they stand up and deliver that closing argument in class.

After successfully flipping my Legal Research course for two years, I can assuredly say that flipping my classroom made my students better learners. Many students watch the videos multiple times, using them as review before the midterm and referring back to them when working on the final exam. Students were more engaged with the material because they spent most of the class time collaborating on the exercises and taking their time working toward the answer, rather than rushing through their legal research homework. Over the course of both semesters, every student asked several questions while working on exercises—not only the overeager students—and I built a strong rapport with them through our conversations and interactions in class. Students rarely hesitated to call out for me across the room, showing an eagerness that I never witnessed before. The groups usually sought immediate feedback, often asking “Is this right?” as they completed problems unless they were confident in their answer. I proudly watched them grow more confident as the semester progressed.

Flipping my classroom also made me a better teacher. I no longer have to “teach to the middle,” spending the majority of my classroom time lecturing in a way that was boring to the students who quickly grasped the concepts presented and confusing to the students who may need additional time to absorb the material in the lecture. Instead, I now challenge the former group of students by including one or two more difficult exercises at the end of each problem handout. I also have the luxury of giving those in the latter group individualized attention if needed, although many eventually fully grasp the material by discussing it with their peers while working through the exercises together in small groups. Those students who once turned in incomplete assignments because they gave up on their homework out of confusion or frustration now ask their peers or me questions the moment they get confused, turn in completed assignments, get full credit, and likely perform better in the course overall. My office hours are busier than ever because most of my students stop by to chat or ask reference questions, even after finishing the course. The most rewarding outcome for me as an instructor is seeing my students show a greater interest in becoming strong legal researchers than any group I taught in a traditional manner.

I consider flipping my classroom to be the most successful experiment of my short teaching career because of the many benefits it has brought my students as learners and me as a teacher. As I share my experience with colleagues at my school and across the country, I am met with a great deal of interest and countless questions that I plan to address in a forthcoming paper. Other instructors throughout higher education, including law schools, have observed the benefits I witnessed and their accounts are now beginning to appear in academic journals. Some recent empirical studies have
shown that students believe they are learning better in flipped classrooms and this is supported by statistically significant improvements in their grades. Despite these benefits, I do not believe that flipping is for everyone and every law school course. It is a time-consuming undertaking that involves a great deal of planning, possibly learning new software, and creating active learning exercises to fill the newly freed-up time. This fall the other six legal research faculty at CUNY School of Law also adopted the flipped classroom approach in their individual 1L Legal Research sections. I was pleased to find that our incoming class of mostly digital natives responded positively to flipping and embraced the course that was centered on them actively engaging with the material instead of the passive lecturing they had experienced in the past.

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Best Practices in Teaching Legal Ethics: Using *The Verdict* as a Cinematic Illustration of Kohlberg’s Theory of Moral Development

By Robert E. Mathiasen

The best way for students to understand and appreciate theory is to see it demonstrated in practice, in real-life situations. In this article, the author illustrates how Lawrence Kohlberg’s theory of moral development can be explained by showing how a character (a practicing lawyer) in the 1982 motion picture, *The Verdict,* matures in his moral reasoning. During the course of the film, the character’s value system and behavior change as he moves through Kohlberg’s moral developmental stages. Using classroom discussion, law students can examine and share their own beliefs and values and begin to understand how moral reasoning relates to personal behavior and social responsibility.

One of the major cognitive-behavioral theories of moral development that emerged in the twentieth century was that of Lawrence Kohlberg. He presented moral dilemma stories to 72 adolescent boys. From this study, Kohlberg developed a three-level, six-stage model of moral development, focusing around the concepts of justice and societal rules, which has guided much of the contemporary research concerning moral development.