Answering the Call: Flipping the Classroom to Prepare Practice-Ready Attorneys

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ANSWERING THE CALL: FLIPPING THE CLASSROOM TO PREPARE PRACTICE-READY ATTORNEYS

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ABSTRACT

In the rough and changing landscape of the legal job market, legal employers have called on law schools to prepare “practice ready” attorneys — newly minted members of the bar with better honed practical skills than the first year lawyers of the past. The increasing emphasis on legal skills sheds light on an interesting paradox within legal education; in legal skills courses, those that best lend themselves to active learning experiences, instructors frequently fill valuable classroom time with passive lectures to convey the related theory and best practices. Recently, several legal skills instructors have adopted a flipped classroom model to remedy this paradox by using commonplace technology to make concise lecture videos available online for students to view on their own time, creating additional classroom time for active skills development under the supervision of an experienced instructor.

This article presents an assessment of the literature and limited empirical studies on the effectiveness of using a flipped classroom model in higher education courses. After discussing the pedagogical and learning benefits of flipped classroom, it then advocates for the at-least partial implementation of a flipped classroom model in legal skills courses to create more opportunities for active learning with the expectation of similar increases in student performance that have appeared in other areas of higher education.

INTRODUCTION

“Rightsizing.”1 “New normal.”2 “Market correction.”3 “Practice ready.”4


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Buzzwords abound in news stories about the changing landscapes of the legal profession, its job market, and legal education since the economic downturn in 2008, few more popular than “new normal” and “practice ready.” While the fuzziness of the new normal is beginning to sharpen, there has never been any ambiguity in the call for law schools to produce more practice-ready attorneys. Law firms and other legal employers no longer want to spend the time and money to teach new lawyers the fundamental skills of law practice. Instead, they are calling on law schools to place a greater emphasis on teaching law students how to be lawyers, not only how to think like lawyers. Law schools are answering the call


and across the nation schools are expanding their offering of legal skills courses and beginning to place greater emphasis on skills development.

Overhauling a school’s curriculum to introduce intensive small group instruction on writing, research and lawyering skills, or requiring participation in a clinic — both curricular “innovations” some schools have practiced for decades — indicate that not only are law schools giving students more options to prepare for practice by voluntarily taking elective skills courses, but many law faculties now realize that skills instruction must be more fully embedded in the law school experience.

In all the discussion of preparing practice-ready graduates, little mention has been made of the ways in which these legal skills courses are being taught. Any U.S. lawyer can tell you that legal writing and research instruction usually involves in-class lectures and out-of-class writing or research assignments. Similarly, other lawyering skills courses may contain lengthy lectures, although some part of the class time is saved for role-playing or participatory exercises. However, ask a law student how they would like these courses to operate and you will likely hear that in an ideal situation the expert instructors would spend as much time as possible giving them personal attention or small-group coaching in order to guide them through their skills development. Such guidance is similar to the personalized attention that experienced attorneys give to new hires to help them learn necessary skills on-the-job. But on-the-job legal training ordinarily lacks the depth of understanding achieved by assigning readings, delivering lectures, and engaging in group discussions.

Until the advent on online learning, the lecture, discussion, and coaching components all required face-to-face interactions between students and instructors, usually during class time or office hours. Many law professors have already moved some of these components online, requiring students to engage in discussions

See Fleischer, supra note 2; see also Sloan, supra note 4.


See Curriculum & Course Descriptions, CITY U. N.Y. SCH. L., http://www.law.cuny.edu/academics/courses/curriculum.html (last visited Nov. 8, 2013) (describing CUNY School of Law’s lawyering skills program and clinical requirement that has been in place since the school’s founding in 1983).
through forums on the course website\textsuperscript{11} or evaluating their students’ oral advocacy, negotiation, or client counseling skills by commenting on digital video recordings created by students.\textsuperscript{12} Through the use of existing technologies such as screen recording software, YouTube, and online learning management systems like Blackboard or TWEN, legal skills instructors have begun experimenting with using a “flipped classroom” model to move the delivery of lecture materials online,\textsuperscript{13} dedicating the freed class time to skills-building active learning opportunities.\textsuperscript{14}

The desired result of any legal skills course is to aid law students in the development of strong skills through understanding, practice, and mastery of that skill. Adopting a flipped classroom approach has allowing law skills faculty to maximize the degree of in-depth instruction, the amount of practicing students do under the instructor’s guidance, and the number of opportunities for students to engage in learning activities in the classroom.

Flipped classroom may be considered the new buzzword in education,\textsuperscript{15} but the approach has the potential to create much needed in-class time for faculty to work with students on developing the practice skills they are now expected to have upon graduation. As a new teaching tool, faculty may be skeptical to adopt it without first knowing it has worked successfully in a similar setting. Part I of this article explains the flipped classroom pedagogy, recounts the CUNY School of Law library faculty’s experience with flipping their first-year legal research course, and discusses the findings of the limited literature on the use of a flipped classroom model by early adopters in non-legal higher education because articles reporting on law school flipped classrooms are just beginning to appear.\textsuperscript{16} Part II focuses on the pedagogical and learning benefits that have been found by these adopters and suggests ways in which instructors can take advantage of these benefits, while Part III explores how legal skills instructors can take advantage of these benefits to enhance the active learning experiences available to students and better prepare them to be practice-ready attorneys upon graduation. Part IV addresses some concerns faculty who are considering adopting this model may have, provides guidance on how to approach flipping a legal skills course, and suggest some supplemental instructional material and active learning experiences that legal skills faculty can introduce when flipping particular types of courses.

I. THE USE OF FLIPPED CLASSROOM IN HIGHER EDUCATION

A. How the Flipped Classroom Works

The flipped classroom, sometimes referred to as “inverted classroom”\textsuperscript{17} or “flipped learning,”\textsuperscript{18} has two defining features: (1) students independently engage with new instructional material before a class session at a time and place of their choosing, ordinarily via the Internet,\textsuperscript{19} and (2) classroom time is primarily spent working on active learning experiences or projects, often in small groups, with the instructor available to provide guidance and answer questions.\textsuperscript{20} The most popular approach to flipping the classroom is creating online streaming lecture videos to assign students to view before class along with their other preparation, such as

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\textsuperscript{11} Gerald F. Hess, Principle 3: Good Practice Encourages Active Learning, 49 J. LEGAL EDUC. 401, 412 (1999).

\textsuperscript{12} Rachel M. Zahorsky, Drexel University’s Law School Takes Practical Training Online and Nationwide with LawMeets Course, A.B.A. J., Jan. 2013, at 28 (reporting on the LawMeets platform that “allows users to [video record] themselves acting out responses to various client-based legal scenarios”, with the videos “reviewed on the Web and voted on by other participants.” Afterward, an “expert video response is unlocked, providing the correct analysis by a professor or practicing lawyer”). See MediaNotes for Instructors, CALI (Sept. 15, 2009, 3:36 AM), http://www.cali.org/medianotes/teachers (MediaNotes is “a video-annotation tool that lets learners and mentors mark up videos with tags and notes to identify strengths and areas of improvements”).


\textsuperscript{14} See Angela Upchurch, Optimizing the Law School Classroom Through the “Flipped” Classroom Model, 20 LAW TCHR. 58 (2013).


\textsuperscript{17} Maureen J. Lage, Glenn J. Platt & Michael Treglia, Inverting the Classroom: A Gateway to Creating an Inclusive Learning Environment, 31 J. ECON. EDUC. 30, 30 (2000).


\textsuperscript{19} Tina Rosenberg, When Schools Do Flips, N.Y. TIMES, Oct. 13, 2013, at SR12.

\textsuperscript{20} JONATHAN BERGMANN & AARON SAMS, FLIP YOUR CLASSROOM: REACH EVERY STUDENT IN EVERY CLASS EVERY DAY 14-16 (2012).
reading. Instead of lecture videos, some instructors use audio podcasts to flip their class, and may provide PowerPoint slides for students to view while listening. Other faculty embed audio clips into PowerPoint files that play each time a new slide is displayed and then post these files to the class website.

In class, the time that was dedicated to lecturing is instead spent briefly recapping the material to ensure student understanding, followed by working on the skills exercises that traditionally were homework but now are done under the supervision of the instructor – hence “flipping” when and where the lecture and homework occur. In those legal skills courses where homework exercises are not ordinarily assigned, instructors can introduce new practical skills development activities or increase the time devoted to the in-class practicing of lawyering skills.

In order to keep students’ attention, most adopters of flipped classroom agree that instructors should keep videos short. Research has shown that in a typical presentation, audience members’ attention lasts less than 15 minutes on average. Some classroom flippers suggest keeping videos shorter than ten minutes apiece and attention experts agree. Shortening a lecture to under ten minutes sounds challenging, but instructors may be surprised to find how many minor points from the readings are redundantly included in lectures. As human brain development expert Dr. John Medina explains, “relating too much information, with not enough time devoted to connecting the dots” is the most common communications mistake. If a lecture cannot be reduced to fewer than ten minutes, the topics can be separated into multiple shorter videos.

As for creating the videos, some instructors choose to use a video camera or lecture capture system to record lectures delivered in a classroom. A more popular approach is to use screen-casting software to record a PowerPoint presentation as it appears on a computer screen while the instructor or another narrator reads a script as a voiceover. Many instructors require students to complete an online quiz or participate in an online discussion after watching the videos, but before coming to class, to ensure students are watching the online videos and doing the assigned reading.

The in-class component of a flipped classroom can take on many forms depending on the learning objectives for that segment of the course. Ordinarily, instructors begin their class by asking students for any questions about the material discussed in the videos and readings. Answering questions sometimes involves instructors launching into mini-lectures that review the specific material being asked about. Others classroom flippers begin with a short review of the content covered in the videos and readings, briefly highlighting the major points. Some instructors then choose to give a brief quiz, usually answered with clickers or another type of classroom response system, to check student understanding and identify any topics that several students do not understand.

Adopters of the flipped classroom model find the greatest pedagogical and learning benefits come in the next portion of the class that contains some form of active learning experience. Most often, students work either alone or in small groups on exercises like those traditionally done for homework. Other popular

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22 Dan Berrett, How Flipping the Classroom can Improve the Traditional Lecture, CHRON. HIGHER EDUC. (Feb. 19, 2012), http://chronicle.com/article/How-Flipping-the-Classroom/
23 See Lage, supra note 17, at 33.
24 Bergmann & Sams, supra note 20, at 13.
25 See Sarah Zappe et al., “Flipping” the Classroom to Explore Active Learning in a Large Undergraduate Course, AMERICAN SOCIETY FOR ENGINEERING EDUCATION 7, 10 (2009).
27 See Bergmann & Sams, supra note 20, at 44. See also Upchurch, supra note 14, at 62.
28 Medina, supra note 26, at 89.
29 Id. at 88.
30 Upchurch, supra note 14, at 62.
31 See Bergmann & Sams, supra note 20, at 37. See also Upchurch, supra note 14, at 61.
32 See Jacqueline E. McLaughlin et al., Pharmacy Student Engagement, Performance, and Perception in a Flipped Satellite Classroom, 77 AM. J. PHARMACY EDUC., no. 9, 2013 at 1, 2.
33 See Bergmann & Sams, supra note 20, at 38. See also Upchurch, supra note 14, at 59.
34 Christopher Papadopulos & Aidan Roman, Implementing An Inverted Classroom Model in Engineering Statistics: Initial Results, AMERICAN SOCIETY FOR ENGINEERING EDUCATION 1, 27 (2010); Zappe, supra note 25, at 5; Upchurch, supra note 14, at 59.
35 See Lage, supra note 17, at 33. See also Papadopulos, supra note 34 at 7; Lemmer, supra note 16, at 489.
36 Bergmann & Sams, supra note 20, at 25; Lage, supra note 17, at 33.
37 See Papadopulos, supra note 34 at 7. See also Lemmer, supra note 16, at 489.
39 See Lage, supra note 17, at 36. See also Bergmann & Sams, supra note 20, at 16, 25; Lemmer supra note 16, at 489; Guyer, supra note 16, at 177; McLaughlin, Student, supra note 32, at 7.
40 See Marin Moravec et al., Learn before Lecture: A Strategy That Improves Learning Outcomes in a Large Introductory Biology Class, 9 CBE - LIFE SCIENCES EDUCATION 473, 474 (2010). See also Jeffery Thomas & Timothy Philpot, An Inverted Teaching Model For A Mechanics of Materials Course, AMERICAN SOCIETY FOR ENGINEERING EDUCATION 1, 2 (2012); Bergmann & Sams, supra note 20, at 8; Lemmer, supra note 16, at 473; Butt, supra note 38, at 34.
uses of classroom time include students working in small groups on projects,\textsuperscript{41} instructors leading the entire class in a discussion of the material,\textsuperscript{42} individual students preparing and delivering presentations,\textsuperscript{43} or small groups engaging in extemporaneous debates against each other.\textsuperscript{44} All of these activities take place under the supervision of the instructor who is always available to answer students’ questions, provide clarification, and observe and correct errors or misunderstandings before they become ingrained and need to later be unlearned.\textsuperscript{45}

B. The Rise of the Flipped Classroom

The growth in popularity of flipped classroom is attributed to two high school chemistry teachers in Colorado, Jonathan Bergmann and Aaron Sams, who began recording online video versions of their lectures in 2006 for students who were missing class because of sports and activities.\textsuperscript{46} Their students responded well to the online videos and soon they realized that they could assign the videos as homework and have the students work on exercises, assignments and labs during class time.\textsuperscript{47} As talk of their approach spread, many schools and school districts became interested in this technique and soon it caught on throughout K-12 education,\textsuperscript{48} eventually spreading into college classroom.\textsuperscript{49}

Although the popularity of flipped classroom is attributed to Bergmann and Sams, reports of college instructors using teaching techniques that would now be called flipped classroom appeared over a decade ago, but the idea never caught on.


\textsuperscript{42} See Julie Foertsch et al., Reversing the Lecture/Homework Paradigm Using eTEACH Web-based Streaming Video Software, JOURNAL OF ENGINEERING EDUCATION 267, 267 (2002). See also Jacqueline E. McLaughlin, The Flipped Classroom: A Course Redesign to Foster Learning and Engagement in a Health Professions School, 89 ACAD. MED. 1, 3 (2014) [hereinafter McLaughlin, Redesign].

\textsuperscript{43} See McLaughlin, Student, supra note 32, at 3.

\textsuperscript{44} See Upchurch, supra note 14, at 62. See also Bergmann & Sams, supra note 20, at 49.

\textsuperscript{45} See Foertsch, supra note 42, at 268, 272.

\textsuperscript{46} Bergmann & Sams, supra note 20, at 3.

\textsuperscript{47} Id. at 5.

\textsuperscript{48} Id. at 8.


In the late 1990s, a pair of Miami University (Ohio) economics faculty, Maureen Lage and Glenn Platt, adopted a novel “inverted classroom” approach where their VHS videotaped lectures were assigned to students to watch in the campus labs, or students could download narrated PowerPoint presentations from the Internet.\textsuperscript{50} Lage and Platt then began class by asking students for any questions about the material and questions were addressed by giving an impromptu mini-lecture to explain those concepts again.\textsuperscript{51} The professors and students spent the remainder of the class time working through economics experiments or labs to demonstrate or reinforce the concepts that were covered in the lecture videos. These active learning experiences were followed by worksheets or review questions that students then discussed in small groups. If one substitutes online videos for the VHS videos, Lage and Platt’s course mirrors the general approach taken by today’s adopters of the flipped classroom model. Lage and Platt were ahead of their time.

Since 2006, the flipped classroom model has been adopted in university engineering,\textsuperscript{52} math,\textsuperscript{53} and pharmacy courses,\textsuperscript{54} among many others. In recent years, law school courses have begun taking advantage of this approach to change the way classes such as contracts,\textsuperscript{55} legal research,\textsuperscript{56} and clinic seminars\textsuperscript{57} are taught. Flipping law school classrooms has allowed faculty to free in-class time for longer and more probing discussions of the material,\textsuperscript{58} small group exercises,\textsuperscript{59} or developing and practicing brief oral arguments.\textsuperscript{60} The growing excitement surrounding flipped classroom in higher education, despite the lack of empirical studies showing any benefits to students’ learning or academic performance, may make it seem like a fad without much evidence of any pedagogical value. However, now that many university faculty and a small number of law faculty have attempted classroom flipping and shared their experiences in academic journals, other professional publications, at conferences, and on blogs, instructors can learn about the reactions students and adopters have to this approach.

\textsuperscript{50} Lage, supra note 17, at 33.

\textsuperscript{51} Id.

\textsuperscript{52} See id.

\textsuperscript{53} Strayer, Effects, supra note 41, at ii.

\textsuperscript{54} McLaughlin, Student, supra note 32, at 1.

\textsuperscript{55} Aaron Dewald, Blending the First-Year Legal Classroom, L. SCHL. ED. TECH (Dec. 18, 2012, 10:00 AM), http://lawschooledtech.classcaster.net/2012/12/18/blending-the-first-year-classroom/.

\textsuperscript{56} Guyer, supra note 16, at 171.


\textsuperscript{58} Dewald, supra note 55.

\textsuperscript{59} Id.

\textsuperscript{60} Pistone, supra note 57.
C. Flipping 1L Legal Research at CUNY School of Law

At the City University of New York (CUNY) School of Law, all first-year law students are required to take a two-credit legal research course in their first semester. While one library faculty member teaches each student cohort, the teaching librarians collaborate on their syllabus, lessons, and some course material to ensure that all students receive similar instruction. Traditionally, the faculty would spend the majority of in-class time lecturing on varied legal information topics, such as the legislative process, the documents produced in the enactment of statutes, and where those documents are published. The final 15-20 minutes of a two-hour class of would be spent demonstrating how to conduct the research to locate those documents online and in print. Students would then be sent home with a set of research exercises to complete before the next class that would take the average student over one hour to complete. While most students would turn in completed assignments every week, some students who struggled with the material would turn in incomplete assignments because they gave up while working on them on their own.

In the fall of 2012, the seven legal research faculty began flipping parts of the course in order to place a greater emphasis on the students’ skills development in class. By the fall of 2013, all course sessions were flipped, except for the first class meeting. In order to flip all course sessions, the faculty first reviewed the existing syllabus to identify the material to convert from in-class lecture to online videos and brainstorm how the two hours of in-class meeting time would be used in the absence of lectures. The team settled on a loose structure of first reviewing the material from the videos and readings in whatever manner the instructor preferred, followed by demonstrations on how to conduct online and hard copy legal research for a topic, after which students worked on in-class exercises, choosing either to work in groups or alone. Some faculty chose to deliver mini-lectures at the start of class as a review, others chose to use multiple-choice questions to test student understanding and initiate class discussion of the topics, and some chose to use a mixture of the two.

The faculty divided the syllabus into topics and then worked in pairs to prepare lecture videos, draft review questions, and revise exercises for in-class use for their given topics to share with the team. Although every instructor chose to use all the videos created, some chose to write their own review questions or in-class exercises.

The pairs strived to keep the videos concise. The team decided to create screen-cast videos to replace their lectures instead of recording live lectures in a classroom. After trialing different software programs, they selected Camtasia for the capturing and editing of their videos. Many pairs began their process by looking at lecture slides they had used in previous years and identifying what superfluous content could be removed from the lectures. The library faculty agreed that they would try to use more images and less text in their presentation slides, resulting in most of the pairs needing to rework the majority of their presentations. Nearly all of the videos ended up under seven minutes in length, although a few topics had to be divided into more than one video.

The library faculty chose to post their videos to YouTube as unlisted, meaning that only individuals with the URL would be able to locate the video. They also decided to use TED-Ed to distribute the videos to students because the platform allowed them to place the multiple-choice review questions on the same page as an embedded video, allowing students to answer questions as they watched.

In keeping with their desire to put the emphasis of classroom sessions on students’ skills development, about 90 minutes of each class was dedicated to students completing research exercises either in small groups or individually. For the instructors, those 90 minutes were spent walking among the students, answering questions and clarifying research strategies.

The process of flipping the entire course was very time-consuming for the faculty. The greatest change in preparing for the course was the recording and editing of videos. Most instructors had to learn new software, get comfortable with using a headset microphone, and let go of the desire to make perfectly produced videos. The drafting of review questions and exercises was not new, but the way in which they were used was new to both the instructors and students. Students did respond well to the flipped format, especially liking the ability to review videos when studying for the midterm and writing the final research exam. Including review questions with the videos on TED-Ed allowed the instructors to make sure students were watching the videos, and it also helped them gauge students’ understanding of the material. Instructors appreciated being able to interact more with students, monitor their understanding throughout the semester as they worked to develop their research skills, and ensure that the students were learning good research habits while working on exercises in the classroom.

The many positive experiences of the legal research faculty at CUNY School of Law, and the students in their classrooms, is not unique among adult learners in higher education and the faculty who teach them. While flipping the classroom is a very new approach in law schools, many college courses have been flipped in the past several years. Some attempts at flipping were developed as studies to evaluate the response to the approach and its effectiveness in aiding students’ learning, resulting in accounts of such attempts appear in academic journals and newsletters.
D. Student Responses to Flipped Classroom

“I came into this course fully expecting to hate it. I was not excited about having to watch lectures on my own time and then still go to class and talk about the same stuff. But with the instructor’s promise that if we put in the work and did what was outlined in the syllabus that we would succeed in the course, I gave it my best. I can honestly say I left every class session feeling like I knew more than when I walked in and I was thinking about the concepts presented in new and unique ways that I would not have been in a traditional lecture style course.” – UNC Eshleman School of Pharmacy student, Basic Pharmaceuticals 2 course evaluation, Spring 2012

Reactions like this student’s are not unusual when a flipped classroom is first attempted. Across academic disciplines, post-secondary students have responded positively to the adoption of a flipped classroom in their courses. Through the collection of anecdotal, end-of-semester survey information, faculty have found that students preferred the flipped format to a traditional classroom format, in part because of a perception that with the flipped classroom they learned more and formed better study habits. Students felt that having access to the instructor in the room helped them better understand the material and they enjoyed working in groups. In addition to the expected viewing before class, many students watched the videos more than once to review the course material before exams and appreciated being able to watch the lectures at their own pace. Some students did feel the course took considerably more time than if it were taught in a traditional manner, possibly to the detriment of their performance in their other courses, although in some instances students felt that the time they spent was worthwhile.

Because the adoption of the flipped classroom model in higher education is rather new, little empirical research has been conducted on the effect of this approach on students’ academic performance and their attitudes toward a flipped course and its material. At the UNC Eshleman School of Pharmacy an empirical study was conducted as part of the experimental flipping of a basic pharmacetics course. Students, like the one quoted above, were surveyed before the beginning of the course and then again at the end of the course using questionnaires designed to collect relevant quantitative data. The vast majority of students – 82% – reported watching all of the online lecture videos for the course while most of the remaining students missed watching five or fewer videos of the 25 assigned that semester. Students also responded positively to their flipped classroom experience, with more than 93% agreeing that the model promoted understanding and application of key concepts and an even greater amount of students leaving the course feeling confident in their ability to apply the skills emphasized in the in-class active learning experiences. In looking at student performance, the students performed 5.1% better on the same final exam than the previous year’s students who were taught in a traditional manner. Instructors of an introductory biology course at University of California, Irvine, found a similar statistically significant improvement in student performance on exam questions when they flipped part of the material from three lectures.

By surveying the pharmacy students at the beginning of the semester, before exposure to the flipped classroom, and then again at the end of the flipped course, the UNC instructors uncovered some changes in students’ attitudes toward the value of lectures, classroom discussions, and in-class learning activities. After experiencing the flipped classroom, survey responses showed a significant increase in the students’ beliefs that video lectures enhanced their learning compared to their earlier assessment of how well traditional lectures helped them learn. By the end of the semester the students found themselves participating in classroom discussions more frequently and developing an appreciation for the benefit that discussing course concepts with their peers can have on their learning. Survey responses also showed that at the end of the semester students valued the inclusion of active learning experiences in the classroom more than they had before their flipped classroom experience.

62 Lage, supra note 17, at 35; Papadopoulos, supra note 34, at 19; Dewald, supra note 55.
63 Lage, supra note 17, at 35; Papadopoulos, supra note 34, at 19; Zappe, supra note 25, at 8.
64 Papadopoulos, supra note 34, at 19; Moravec, supra note 40, at 478.
65 Zappe, supra note 25, at 10; Foertsch, supra note 42, at 272.
66 Lage, supra note 17, at 35; Foertsch, supra note 42, at 272; Bergmann & Sams, supra note 20, at 27; Papadopoulos, supra note 34, at 15.
67 Dewald, supra note 55; Lage, supra note 17, at 36; Papadopoulos, supra note 34, at 11; Zappe, supra note 25, at 7; Moravec, supra note 40, at 478.
68 Foertsch, supra note 42, at 271; Bergmann & Sams, supra note 20, at 24.
69 Lage, supra note 17, at 35; Papadopoulos, supra note 34, at 11; McLaughlin, Redesign, supra note 42, at digital supplement, http://links.lww.com/ACADMED/A177, at 6.
70 Papadopoulos, supra note 34, at 11.
72 McLaughlin, Redesign, supra note 42, 239-241.
73 Id. at 240.
74 Id.
75 Meyer, supra note 71.
76 Moravec, supra note 40, at 477.
77 McLaughlin, Redesign, supra note 42, at 240.
78 Id.
classroom experience.\textsuperscript{79} Despite their initial apprehension toward the unfamiliar flipped classroom model, by the end of the course the students’ expressed the value they saw in the approach and the benefits it had on their learning in their written comments,\textsuperscript{80} like the one above.

Students were also asked to select up to three ways the online videos benefited their learning and 90\% of students chose that they “helped me prepare for each class session,” with the majority of students also selecting that the videos “helped me learn at my own pace.”\textsuperscript{81} Tied for third place were students’ assertions that the online videos “helped me prepare for the exams” and “improved my overall learning.”\textsuperscript{82} Given students’ overall positive impressions that the flipped classroom model enhanced their learning and the many benefits they saw in having the online videos available, it may come as no surprise that by the end of the semester 84.6\% of students said they preferred the flipped classroom model over the traditional lecture format after starting out the semester with nearly 73\% of students saying they preferred the traditional approach.\textsuperscript{83}

Another empirical study involving undergraduates was conducted over three class meetings of an Introduction to Statistics course that covered the material from one chapter of the textbook.\textsuperscript{84} The faculty followed a common suggestion of flipping only a few classes the first time an instructor attempts flipping a class.\textsuperscript{85} Instead of using online videos, the instructor, Jeremy Strayer, put one 55-minute videotaped lecture on reserve in the library that covered all the material for that chapter. During class time, students worked in small groups on a project. Strayer also taught a second section of the same course that semester that continued learning via the traditional lecture-centered approach, allowing them to serve as a control group for the study. Students in both sections completed a survey to measure their confidence in completing problems based on the skills learned with that chapter. Strayer then interviewed three students from the section that was flipped and compared the grades from both sections on the exam that tested the material for that chapter. Statistical analysis of the survey showed that students in the traditional lecture-centered class had a higher level of confidence and also performed better on the exam than those who had experienced the three flipped class sessions.\textsuperscript{86} Strayer attributed this result to students needing time to adjust when first exposed to a flipped classroom model.\textsuperscript{87}

The following year Strayer decided to continue teaching one section in the traditional manner while flipping the other section for the entire semester by implementing an online intelligent tutor system\textsuperscript{88} that used artificial intelligence to create custom learning experiences that they engaged with outside of class based on that student’s progress and understanding, while in class they worked on active learning experiences either alone or with their peers by their own choosing.\textsuperscript{89} Strayer used the College and University Classroom Environment Inventory\textsuperscript{90} to assess student perceptions of their learning environment. He found that, compared to students in the lecture-centered section, students in the flipped classroom preferred an innovative and cooperative learning environment and the flipped classroom satisfied their preference.\textsuperscript{91} Students in the flipped section were more willing to participate in class, collaborate with their peers, and explain concepts to one another.\textsuperscript{92} Those students also indicated that they became more aware of how they learned because of the flipped classroom experience,\textsuperscript{93} likely due to having to adjust to a new learning approach that was different than the lecture-centered format they had experienced up until that point in their schooling.

E. Faculty Responses to Flipped Classroom

“I flipped my class yesterday. And I think it worked! ... I have taught a class on persuasive lawyering [...] before and this one seemed different; it was better. Instead of my talking at the students about the foundations of persuasive argument, by flipping the classroom my students could learn the foundational information before coming to class. That opened up the class for an activity in which the students could actually try it out. ... By getting the students out of their chairs, we could provide feedback to the students on their posture and stance and how body

\textsuperscript{79} Id.
\textsuperscript{80} Id. at digital supplement, http://links.lww.com/ACADMED/A177, at 4.
\textsuperscript{81} Id. at 240 (58\% selected “helped me learn at my own pace”).
\textsuperscript{82} Id. (47.3\% of students selected either “helped me prepare for the exams” and “improved my overall learning”).
\textsuperscript{83} Id. (At the beginning of the course, 72.7\% of students said they preferred the traditional approach to teaching the course.).
\textsuperscript{84} Strayer, Effects, supra note 41, at 3-14.
\textsuperscript{85} See Moravec, supra note 40, at 480.
\textsuperscript{86} Strayer, Effects, supra note 41, at 10, 218.
\textsuperscript{87} Id. at 12.
\textsuperscript{88} ALEKS (last visited November 15, 2013), http://www.aleks.com.
\textsuperscript{91} Strayer, Influences, supra note 89, at 180.
\textsuperscript{92} Id. at 188.
\textsuperscript{93} Id. at 191.
language can enhance or detracted from the persuasiveness of an argument.” – Michele Pistone, Director of the Clinic for Asylum, Refugee and Emigrant Services at Villanova University School of Law & Professor of Law\(^4\)

Professor Michele Pistone’s positive and passionate reaction to her first attempt at flipping her classroom is typical of early adopters in higher education. After teaching in a traditional lecture-centered format, instructors were pleased to see students more motivated to learn and do the assigned work in the flipped classroom.\(^5\) Faculty found their greater degree of interaction with students in class not only helped them get to know their students better, but also made students more comfortable asking questions of their instructor – an indication that they now found their teacher more approachable.\(^6\) Instructors also valued the opportunity to monitor individual student’s understanding of the material and the ability to identify struggling students early in the course,\(^7\) allowing them to offer additional one-on-one instruction to those students before these difficulties impacted their grade on tests or assignments.

Adopters noted that one of the greatest benefits of flipping was the ability to appeal to students’ different learning styles.\(^8\) In addition, digital natives\(^9\) make up the vast majority of students in higher education, born into a world where they have always had access to the Internet. They primarily consume information via digital content, making it easier for them to adapt to receiving instruction online.\(^10\) Also, one adopter found via a non-empirical survey that female students expressed greater satisfaction with the active learning experiences than male students and instructors perceived that the women participated more in class and engaged their peers more frequently in group collaboration compared to a traditional classroom.\(^11\)

Rarely is a first-time experiment carried out without some unexpected challenges. Almost universally, the instructors found adopting a flipped classroom model fairly time consuming.\(^12\) Between preparing the lectures several weeks or more in advance, learning new technologies for recording and editing the videos and then actually recording and editing them, posting them online, writing post-video quizzes and in-class review questions, and coming up with in-class exercises or other activities,\(^13\) flipping the classroom involved additional hours of class preparation time. However, in most cases the material does not change from one year to the next, so the up-front time cost of creating a flipped course allows instructors to reuse the lecture videos, quizzes, and successful review questions and activities, with only a few changes or improvements from year to year. Also, the class preparation time before each individual session is greatly reduced because of all the preparation that was done beforehand.\(^14\)

The generally positive responses from students and their instructors, along with the repeated assertions that these adopters will continue teaching their courses in a flipped manner because it opens up opportunities for active learning experiences in courses that were once predominantly lecture-focused,\(^15\) indicate that this pedagogical tool is here to stay.

### II. Pedagogical Aspects and Benefits of the Flipped Classroom

“Flipping my classroom also made me a better teacher. I no longer have to “teach to the middle” ... I also have the luxury of giving [struggling students] 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.”\(^16\)

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\(^{4}\) Pistone, supra note 57.

\(^{5}\) See Lage, supra note 17, at 36. See also Bergmann & Sams, supra note 20, at 16; Geyer, supra note 16, at 17.

\(^{6}\) See Lage, supra note 16, at 17. See also Bergmann & Sams, supra note 20, at 25; Lemmer, supra note 16, at 489; McLaughlin, Student, supra note 32, at 7.

\(^{7}\) See Lage, supra note 17, at 37.

\(^{8}\) See id. at 39. See also Bergmann & Sams, supra note 20, at 23; Lemmer, supra note 16, at 485; McLaughlin, Redesign, supra note 42, at 237; Zappe, supra note 25, at 3.


\(^{10}\) Bergmann & Sams, supra note 20, at 20.

\(^{11}\) Lage, supra note 17, at 41.

\(^{12}\) See id. at 37-38. See also Bergmann & Sams, supra note 20, at 43; Geyer, supra note 16, at 178; McLaughlin, Redesign, supra note 42, at 239; Moravec, supra note 40, at 480; Papadopoulos, supra note 34, at 20; Lemmer, supra note 16, at 489; Dewald, supra note 13.

\(^{13}\) See Bergmann & Sams, supra note 20, at 10; Lemmer, supra note 16, at 489; Dewald, supra note 13.

\(^{14}\) See Lage, supra note 17, at 39. See also Papadopoulos, supra note 34, at 20.

\(^{15}\) See Bergmann & Sams, supra note 20, at 10. See also Moravec, supra note 40, at 479; Thomas, supra note 40, at 11; Zappe, supra note 25, at 10; Geyer, supra note 16, at 178; McLaughlin, Redesign, supra note 42, at 20.

\(^{16}\) Alex Berrio Matamoros, How Flipping the Classroom Made My Students Better Legal
In a lecture-centered course, instruction only occurs in the classroom. The exercises students do outside class reinforce what they learned and assess their understanding, and reading introduces new material. Even in a skills course where some time is spent lecturing and some time is dedicated to skills development activities, the teaching stops when class is over.

The Greek roots of the word “pedagogy,” παῖς (país) meaning “child” and ἀγῶ (ágō) meaning “to lead,” combine to express the idea of “leading the child.” By adopting the flipped classroom pedagogy, faculty can extend their instruction outside of class so they both lead their students with their video lectures and with their in-class activities. By flipping, legal schools faculty not only create more time for active learning opportunities in the classroom, they also increase the amount of time they get to teach and lead students through their legal skills development, improving students’ preparation to be practice-ready attorneys upon graduation.

It seems that in discussions and news coverage of the flipped classroom model the greatest attention is placed on the online lecture videos. This innovative leveraging of technology enhances the lecture pedagogy in various ways, discussed below, by putting students in control of how they experience and use lectures. Even so, it only replicates the traditional passive lecture-centered approach. As stated earlier, adopters find the greatest benefits come from the activities professors use to engage students in class. The forms these activities take vary based on the skills focus of the course and how the instructor believes those skills can be best developed.

Aside from the involved process of creating online lecture videos and accompanying review questions, faculty may also need to learn new pedagogies to take advantage of the time freed by moving lectures online. In considering new teaching methods and techniques, instructors should focus on: 1) understanding principles of active learning; 2) designing exercises to appeal to a wide range of student learning styles; 3) introducing differentiated instruction; and 4) taking advantage of increased student-teacher interaction.

A. Pause, Rewind, Review: Putting Students in Control

Mention of the traditional lecture-centered classroom invokes memories of years as a student, sitting in a classroom as the instructor lectures on and on while you passively receive information and take notes, possibly fighting off boredom or drowsiness. Numerous studies have found passive lecturing to be an ineffective teaching approach because it only involves the transmission of information from the teacher to the student without requiring the student to do more than memorize. Nonetheless, it remains a popular format for teaching at all tiers of education. Law schools are no exception. While some law faculty may argue that their Socratic approach to teaching doctrinal courses does not involve any passive lecturing, and the Socratic method is a recognized active learning technique, professors rarely execute the “pure” Socratic method any longer. Lecturing has taken on a prominent role in the law school classroom.

Returning to reminiscing of student days, imagine asking your professor to stop class and take the time out of that day’s lecture to review in detail a concept introduced two weeks ago because you are only now beginning to fully understand it. If you are brave enough to ask, no professor can spare ten minutes of limited classroom time to practically redeliver the relevant portion of the past lecture. The best outcome you can expect is being told to ask during office hours where you will abashedly admit that it has taken you two weeks to grasp the concept well enough to make sense of what was said in the lecture. Or you may just skip going to office hours to avoid the embarrassment.

Because lecture videos are made available online in most flipped classroom courses, students are put in control of the pace of the instruction they receive and can choose to view the lectures more than once. Professors remain responsible for instruction and the conveyance of information students need to learn. Even video lectures remain passive transmission of information despite any efforts the instructor makes to create visually stimulating presentations to better engage visual learners.

110 Hess, supra note 11, at 406.
112 Bergmann & Sams, supra note 20, at 24.
Students can choose to pause to take notes, rewind if they missed something or were not clear on what the professor said, or watch more than once to ensure early understanding. In effect, students can choose to “attend” their professor’s lecture several times, something not possible in a traditional lecture-centered classroom.

Aside from the convenience of being able to watch lectures at whatever time they choose, the flexibility allows them to choose to watch at a time that may be more conducive to their learning. For example, students who may be groggy and have trouble paying attention to a lecture at 9 a.m. can instead watch the lecture at a time when they are not struggling to stay awake. Yes, they still need to attend the 9 a.m. class, but they arrive having already watched the lecture at a time when they were more alert, possibly completed review questions online to assess their understanding, and will be engaged in active learning experiences in the early morning class.

Students can also use the videos to review the material at any point in time. Returning to the earlier example, if a student does not begin to fully understand a concept until two weeks after a lecture, the student can simply watch the part of the lecture where that concept was discussed instead of having to ask the professor to repeat all of that information in office hours. After watching the video, the student can still attend office hours if there are additional questions. Students in flipped courses have also used lecture videos as study aids, watching them again while studying for exams. With this as an option, instructors who conduct review sessions before exams can instruct students to watch the videos that discuss the topics they have general questions about before the review session and then bring more specific questions to the review session for the professor to address.

B. Active, Collaborative, and Cooperative Learning

Some may think that professors enjoy lecturing because the focus is on them imparting their knowledge of the material and their wisdom on best practices in applying the material, making them a “sage on the stage.” The largest pedagogical shift in abandoning the lecture-centered approach for the flipped classroom model is moving the focus of class time from the professor’s lectures to the work being done by students. As part of this shift, professor spend most of the in-class time working with students to apply what they are learning and further develop their skills, becoming a “guide on the side.” The positive responses adopters have to flipping the classroom signals that they are embracing the role of the guide on the side in a new classroom dynamic centered on active learning in order to motivate students to explore the material more thoroughly, provide guidance when needed, and give immediate feedback.

In contrast to ineffective lecturing, active learning experiences garner positive responses from post-secondary students, produce higher levels of student satisfaction with a course, increase student participation, lead to deeper understanding of the material, and improve grades. Active learning can be broadly defined as “any instructional method that engages students in the learning process. … [A]ctive learning requires students to do meaningful learning activities and think about what they are doing.”

Active learning expert Dr. Charles Bonwell identifies 5 major characteristics associated with active learning:

1. Students are involved in more than passive listening
2. Students are engaged in activities (e.g., reading, discussing, writing)
3. There is less emphasis placed on information transmission and greater emphasis placed on developing student skills
4. There is greater emphasis placed on the exploration of attitudes and values
5. Student motivation is increased (especially for adult learners)
6. Students can receive immediate feedback from their instructor

Because active learning encompasses any teaching activity that is not the passive transmission of information to students, categorizing active learning by

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115 McLaughlin, Student, supra note 32, at 2.
116 Foertsch, supra note 42, at 271.
117 Id. at 271 (67% of students rewatched videos when studying for exams). See also Bergmann & Sams, supra note 20, at 4.
120 Id. at 30.
121 See id. at 34.
122 See Zappe, supra note 25, at 4.
123 See Hess, supra note 11, at 413.
types of activities is helpful. Discussing course material as a class or in small groups, writing essays or drafting court filings, presenting in front of the classroom, and practicing lawyering skills learning through real-life client contact or in a simulation exercise are all examples of active learning opportunities already offered in law schools. While most legal skills courses already include some form of active learning in the classroom, as instructors turned to the flipped classroom to be able to increase the amount of active learning engagement in a course, it is helpful to understand some of the pedagogical theories surrounding active learning.

Students can engage in active learning on their own, as commonly occurs in legal skills courses where skills development is dependent on students completing homework assignments. However, when active learning is moved from outside to inside the classroom, an opportunity arises for students to work together on their shared skills development. “Collaborative learning” describes in-class activities that put students together to work toward a common goal or final product,128 such as working on a group project where each student receives the same grade. “Cooperative learning” also involves students working together, but each student is assessed individually.129 For example, students working on a group project where the instructor observes them, assessing the degree of their contribution to the group’s work, asking group members to write evaluations of the work done by the other members, and then assigning each student a grade based on both the group’s final product and all the information gathered about each individual student’s contribution. This complex example of cooperative learning is given to contrast it from the earlier collaborative learning example, but a simpler example of cooperative learning is dividing students into groups to workshop drafts of their term papers on different topics.

While students generally respond well to cooperative learning activities because one student’s performance on an activity does not affect the other students’ chance of earning a good grade, the absence of individual accountability within a collaborative learning group can interfere with students’ learning.130 Given that law students are known to be competitive about grades,131 faculty may want to take this into consideration and may want to structure in-class group work as cooperative learning activities to ensure students are graded on their individual contributions or achievements. Students may be more open to embracing the flipped classroom if they know they will still be graded in the same way as before. However, introducing collaboratively-graded team activities in a course may be an opportunity for an instructor to instill in students an appreciation for collaborative work, especially when considering that, in practice, attorneys who work together on a case or client matter are often primarily evaluated on the outcome achieved by the group, not on the individual contributions of each member. In such situations, legal skills faculty have an opportunity to not only guide students in developing the particular lawyering skills they are being taught, but also prepare them for the routine expectations and challenges of practicing law.

Active learning pedagogy is of course not a new concept in legal education, already incorporated in legal skills courses via their practical exercises and fundamental to the instruction occurring in clinics and other experiential learning programs. By adopting a flipped classroom model in a legal skills course, the instructor creates more opportunities for active learning and shifts the focus away from the sage on the stage, placing it where it belongs, on the activities that are preparing students for practice.

C. Appealing to Different Learning Styles

By the time most students reach law school, they have survived at least 16 years of learning in a classroom and usually know how they learn best. They must have performed well enough in college and on the LSAT to earn entry, with one key to their success being their ability to adapt their learning, reviewing, and studying habits to fit their learning styles.

Learning styles are “those cognitive, affective, and psychological behaviors that indicate how learners interact with and respond to the learning environment and how they perceive, process, store, and recall what they are attempting to learn.”132 Numerous models of learning styles exist, sprouting from theories proposed by academics in the fields of education, psychology, sociology, business, and management.133 Each model focuses on one or several characteristics of individuals that affect how they best learn,134 from preferred sensory stimulation for learning135 to how they prefer to be taught,136 how they best process information,137 and their

129 Zimmerman, supra note 128, at 961; See also Prince, supra note 126, at 223.
130 Ceri B. Dean et al., Classroom Instruction That Works: Research-Based Strategies for Increasing Student Achievement 37 (2d ed. 2013).
134 Jacobson, supra note 132, at 146.
135 Coffield, supra note 133, at 13.
136 Id. at 37.
137 Jacobson, supra note 132, at 157.
personality’s impact on their learning.\textsuperscript{138}

One widely known instructional preference model is the visual, auditory, reading-writing, and kinesthetic learning styles model, commonly referred to as the “VARK” model, that separates learning styles based on the student’s preferred learning modality, the sensory pathway to absorbing information.\textsuperscript{139} Visual learners best absorb information presented to them as images, or visible physical objects and their learning style is virtually ignored in the lecture-centered classroom that heavily favors auditory learners who learn best by listening.\textsuperscript{141} Law school may be appealing to reading-writing learners who are best at processing verbal information present in readings or text on PowerPoint slides. Kinesthetic learners absorb information best when interacting with it in a tangible way, such as through writing or practical exercises that are absent in a lecture-centered classroom.

The flipped classroom model brings greater balance to how a course may appeal to all four VARK learning styles. A video lecture that includes mostly images, not just text being read by the narrator, appeals both to auditory and visual learners. The reading-writing learners continue to be satisfied because reading continues to be assigned. However, the biggest change occurs in the classroom. The kinesthetic learner now goes from being virtually ignored to being heavily stimulated by activities in the classroom. The instructor can create in-class activities that also appeal to the other types of learners by including small group discussion, videos and other multimedia, and textual handouts. Also, because flipping frees the majority of in-class time for activities created by the instructor, last minute changes can be made to how in-class time is spent to ensure balance between all learning styles.

Dr. Lynn Curry, a recognized expert on learning styles, uses the metaphor of peeling an onion to describe the layering of learning and cognitive styles.\textsuperscript{144} At the surface lies a student’s instructional preference that factors in the learning environment and how information is conveyed.\textsuperscript{145} The cognitive Grasha-Riechmann Learning Style Scales focuses on instructional preference and includes six learning styles in three pairings: avoidant or participative; competitive or collaborative; and dependent or independent.\textsuperscript{146} Avoidant students lack enthusiasm for learning that often results in them earning low grades,\textsuperscript{147} making it unlikely they would want to go to law school. Law students instead tend to be participative, accepting responsibility for learning,\textsuperscript{148} and so the avoidant/participative pairing will not be further discussed.

Competitive students are motivated by performing better than their peers and prefer class activities where they receive recognition for their superior achievements. In contrast, collaborative students learn by sharing their thoughts and enjoy working in groups with their peers.\textsuperscript{149} Dependent students require detailed instructions and guidance from the professor on how to do the work and what exactly is expected, while independent students prefer to work alone, at their own pace, so they can take time to reflect on the material as they learn it.\textsuperscript{150}

Competitive students prefer the lecture-centered model because they can dominate at answering professor’s questions and be recognized by the instructor for their achievements in front of their classmates.\textsuperscript{151} Dependent students also prefer the traditional approach because the professor gives detailed explanations in a lecture and may provide structured outlines of the material, resulting in as little ambiguity as possible about what must be learned.\textsuperscript{152} A completely lecture-centered class where there is not even time for discussions ignores the learning preferences of the collaborative learner because the focus is wholly toward the sage on the stage. A traditional lecture approach also disadvantages independent students because the professor decides the pace of the instruction and may not allow time for independent students to reflect as they learn.\textsuperscript{153}

Collaborative students would prefer a flipped classroom where they interact with their peers and share their ideas in engaging discussions.\textsuperscript{154} However, this does not mean that competitive, independent students cannot be accommodated in a flipped classroom. Including cooperative learning activities where students are graded separately can motivate competitive students to try to perform better than the peers in their group. To better accommodate independent learners, instructors can sometimes make working in groups optional to give independent learners the choice.

\textsuperscript{138} Coffield, supra note 133, at 47.
\textsuperscript{139} Jacobson, supra note 132, at 150.
\textsuperscript{140} Coffield, supra note 133, at 13.
\textsuperscript{141} Id. at 13.
\textsuperscript{142} Id.
\textsuperscript{143} Dave Kolb, Peter Honey & Lynn Curry, The perfect learner: An expert debate on learning styles, 39 TRAINING 28 (2002).
\textsuperscript{145} Anthony Grasha, Using Traditional Versus Naturalistic Approaches to Assessing Learning Styles in College Teaching, JOURNAL ON EXCELLENCE IN COLLEGE TEACHING 23, 23 (1990).
\textsuperscript{146} Anthony Grasha, A Matter of Style: The Teacher as Expert, Formal Authority, Personal Model, Facilitator, and Delegator, 42 COLLEGE TEACHING 142 (1994).
\textsuperscript{147} Grasha, supra note 145, at 25.
\textsuperscript{148} Id.
\textsuperscript{149} Id.
\textsuperscript{150} Id.
\textsuperscript{151} Id.
\textsuperscript{152} Id.
\textsuperscript{153} Id.
\textsuperscript{154} Id.
to work alone. While a traditional model leaves collaborative and independent learners unsatisfied, the flipped classroom gives instructors the opportunity to design a course where all four learning styles are accommodated because of the flexibility of rotating between many different in-class activities instead of only being able to spend class time on passively lecturing.

Returning to Curry’s metaphor, deep at the core of the learning-styles onion lies a student’s cognitive personality traits that determine whether a learner will naturally organize newly acquired information into many discrete parts or first examine all the information as a whole. Among the first to theorize cognitive learning styles, psychologist Herman Witkin introduced the most influential model used today to categorizing learners by their personality traits, identifying learners as either field dependent or field independent. "Field" here refers to the context surrounding the information. The idiom “see the forest for the trees” provides a convenient framing device for Witkin’s model. A learner focused on the forest as a whole is field dependent and easily gets distracted by the surrounding context, while one focused on the trees without being distracted by the surroundings is field independent. Field dependent learners use the context surrounding the information to make sense of it generally without creating their own structure, pick up well on social cues, and prefer the company of others, but they may have difficulty identifying specific concepts and need others to define goals for them. On the other hand, field independent learners create structures to organize information, process information more efficiently and set their own goals, but they also struggle with putting narrow topics into the context of the whole course and are socially detached.

With the flipped classroom approach, instructors can create lecture videos that begin by displaying a numbered outline of the narrow concepts that will be covered in that video so that field dependent students can more easily identify the discrete concepts. In the presentation, all the slides for a specific topic can be labeled with the number corresponding to that topic on the outline so students know how slides are grouped together. Instructors can also place a slide after the set of slides for one topic with just the number and description of the next topic to clearly designate the transition. After the last topic, the outline can appear again while the professor briefly reviews what was covered in that video. Afterward, the professor can explain where the specific concepts from that lecture fall within the broad structure of the whole course for the benefit of field independent students. The outline in the video also serves as field independent students’ organizational structure for processing the information in the lecture, saving them from having to come up with a structure on their own. Inside the classroom, faculty can reintroduce and review the outline and reiterate the topics’ placement within the structure of the course.

Faculty can design active learning experiences to accommodate both field dependent and field independent learners. Group exercises expose students to the opposite information processing learning style because small groups will likely include a mix of both styles. In the groups, field independent students engage their field dependent counterparts in discussions to better understand how topics fit into the overarching context of the course. Similarly, field dependent students look to their counterparts for clarification on specific topics they may not have focused on earlier. Group work also satisfies field dependent students’ preference for social interaction.

D. No Longer “Teaching to the Middle”: Differentiated Instruction

Traditional lecture-centered courses take a “one-size-fits-all” approach to how students are taught and assessed despite differences in each student’s learning styles and degree of understanding of the material. Instead of creating a classroom environment that supports the learning needs of all students, professors in a traditional classroom resign themselves to lecturing in a way that will help the greatest number of students understand the material. With more average students in a class than advanced or struggling students, professors must prepare a lecture that an average student can follow and understand. In doing so, the professor all but guarantees that the advanced students will find the lecture too basic and end up bored rather than engaged.

At the same time, struggling students may have trouble keeping up with the lecture’s pace, eventually falling behind and no longer understanding what the professor is talking about. They may even stop listening because the professor lost them, leaving them feeling discouraged about whether they will learn the material and do well in the course. The lecture-centered approach forces instructors to “teach to the middle” and ignore the strongest and weakest students’ educational needs in the process.

Just by moving lectures outside of the classroom and onto the Internet, flipped classroom adopters dramatically alter the effectiveness of lecturing as an instructional tool. By putting students in control of when, where, and how often they view a video, the instruction delivered in the lecture is personalized to each student’s learning styles and degree of understanding. This type of personalization
is impossible in a traditional lecture-centered format.

Professors who take advantage of the flipped classroom model’s flexibility to add some of the learning style accommodations mentioned earlier will improve many students’ odds of getting a good grade and developing strong skills in that course. A professor who adds learning style accommodations and/or gives students control of their personal lecture experience has adopted a “differentiated instruction” approach to teaching and learning, although they may not be aware of it. Differentiated instruction is a pedagogical philosophy “based on the premise that instructional approaches should vary and be adapted in relation to individual and diverse students in classrooms.”

To successfully implement differentiated instruction, professors must be flexible about how the information they teach is presented and adjust how the course is run to meet the students’ learning needs.

Legal skills instructors who flip their classroom can begin accommodating the educational needs of the strongest and weakest students, expanding the scope of their differentiated instruction. The professor still designs the condensed video lecture with the average students in mind but knows that advanced students will likely watch a lecture video once, understand the material, and answer the online quiz questions easily. The professor may even create a few additional questions or activities specifically to challenge the advanced students if the in-class skills development sometimes involves students working alone, such as in legal research.

As for the struggling students, the professor knows that if they have trouble keeping up with the pace they can rewind any portion of the lecture and review it several times until they understand the concept. In class, the instructor is always available to answer any student’s questions and can dedicate some time to each struggling student to ensure they understand the material.

III. LEVERAGING FLIPPED CLASSROOM TO PREPARE PRACTICE-READY ATTORNEYS

By adopting a flipped classroom pedagogy, legal skills instructors can take advantage of the benefits of active learning through collaborative and cooperative learning activities while accommodating students of all learning styles by mixing different in-class activities to appeal to different types of learners. With planning, legal skills faculty can differentiate their instruction and activities to improve the degree of all students’ engagement with the material. Below are suggestions for how to approach flipping a classroom for the first time, followed by examples of how the benefits of flipping a classroom can be taken advantage of in certain legal skills courses.

A. Suggestions for First Time Flippers

The process of preparing online videos and review content, along with in-class exercises, is time consuming and may seem like an intimidating task. By setting aside enough time and engaging in some advanced planning, the process of flipping a classroom can be broken down into manageable steps. Not every class session lends itself to flipping and a first-time flipper may want to identify just a few sessions to flip in a course. It is important to then identify the instructional goals of flipping each session. Aside from replacing sometimes lengthy lectures with concise online videos and checking students’ understanding of the material with review questions, instructors should remember that increasing student engagement in the classroom through discussions and activities in order to enhance their skills development is central to flipping a classroom.

Once instructional goals have been identified, faculty should outline what portion of instruction can be moved from the classroom to an online format and what portion should occur in the classroom. Online multiple choice review questions, short answer essay prompts, or topics for required discussion forum posts that accompany the lecture videos allow for increased student engagement with the material immediately after first being introduced to it. Instructors should also consider creating additional online content to supplement the material covered in lecture videos. Suggestions appear below for supplemental videos, in addition to lectures, that an instructor may create to provide additional guidance to students in their skills development.

In legal skills courses, there may be times where an experienced professor knows that delivering a lecture in class may be preferred over creating an online video because students are often confused by the material presented in that lecture or may tend to interrupt the professor regularly to ask questions about that material. In those instances, it may be more beneficial to deliver the lecture in class and prevent student confusion, even if some active learning opportunities need to be sacrificed. Because complex topics can unexpectedly cause confusion among students in any legal skills course, it is best to avoid flipping a course the first time it is taught unless a professor is confident that many students will not be confused when learning the material. If an instructor is considering flipping a course at some point in the future, it may be helpful to reflect after each class session in a live
course whether the material taught that day would lend itself well to being recorded as an online video and what in-class activities might have improved students’ skills development that day had time permitted it.

The outlining and planning process continues with deciding how classroom time will be used. Beginning with a brief review of the lecture allows for students to reengage with the material before applying what has been learned in later activities. Review can take the form of a mini-lecture recapping the major points of the online content or a whole-class discussion about the material. A series of multiple-choice questions that highlight the major points can be used for review, followed by a brief discussion of why the right answer is correct. The same multiple-choice questions used online can be reused for this question and answer review format. Review approaches can be varied from one session to the next to appeal to students’ different learning styles or degree of understanding. For example, topics that have traditionally been difficult for students to understand may be best reviewed using a mini-lecture and discussion, while topics that students tend to grasp more easily may best be suited for multiple-choice questions followed by discussion of the correct answer.

The final step in outlining is to brainstorm in-class active learning experiences for skills development. Some suggested in-class activities for particular legal skills courses are presented below.

Once outlining is completed, instructors can begin creating the content for the class session based on the outline. When preparing video lectures, striving for conciseness and attempting to appeal to different learning styles through a mixture of images, text, and audio should be in the forefront of the instructor’s mind. Video lectures can take different formats. While one popular format is recording PowerPoint or other presentation software slides appearing on screen while the instructor narrates the lecture as an off-screen voiceover, some flippers record themselves delivering the lecture in an empty classroom. The former requires the use of screencasting software such as Camtasia, Snagit, Jing, ScreenFlow, and many others.\footnote{See Comparison of Screencasting Software, http://en.wikipedia.org/wiki/Comparison_of_screencasting_software (last visited June 12, 2014).} Several of these software programs offer trial versions so potential users can test out the features before purchasing. Installing a few different trial versions and recording short test videos can be a helpful way to determine what software is most comfortable for a particular user.

Instead of using the built-in microphone available with most computers, an external microphone or a headset can improve the sound quality of the recording. Querying a favorite search engine for “computer microphone reviews” should lead to reviews of microphones currently on the market.

Some first-time flippers invest a great deal of time recording, re-recording, and heavily editing their lectures, attempting to make them near-perfect, production quality videos. Keeping in mind that live lectures are rarely delivered perfectly, instructors new to the flipped classroom may benefit from letting go of the desire to produce perfect videos. Students are accustomed to watching unedited or minimally edited videos online and may not notice some small noises or other flaws in a video that happen to stand out to the instructor. Scripting or outlining the narration of a video may help instructors reduce errors. Many software programs allow users to pause the recording, which is helpful when needing to collect one’s thoughts or prepare for the next slide. Screencasting software also allows for editing out mistakes so that an entire take is not ruined when a mistake is made.

Once a video is ready to upload, the instructor must decide how to make the video available to students. Learning management systems, such as The West Education Network (TWEN), Lexis Web Courses, Blackboard, Moodle, Sakai, Canvas, and others can be used to publish videos to only those students enrolled in a course. A law school’s information technology department or educational technology staff should be able to advise instructors on the best option for their course. YouTube or Vimeo are also options for publishing videos. These free streaming video services allow instructors to make their videos available to the public, private to a particular list of viewers, or unlisted so that the videos do not appear in search results and can only be accessed by someone with the direct links to the videos.

When selecting a video publishing option, instructors should consider whether that publishing tool contains a feature to include review questions along with the videos. Most learning management system offer built-in quiz tools and discussion forums. Another option is TED-Ed, a free platform that allows anyone to flip a video posted on YouTube and add multiple-choice, short answer, or essay questions to accompany that video.

Once an instructor determines whether a chosen video publishing tool supports embedding review questions, the questions can be drafted. Afterward, the possible in-class activities resulting from earlier brainstorming can be fully designed and discussion, and/or activities. In instances where students are working on activities and the instructor is moving from group to group, the classroom may sometimes seem chaotic, and pre-determining how to spend classroom time can help ensure all the instructional goals for that session are met.

B. Legal Research and Writing

In addition to concise lecture videos, legal research and writing instructors may want to create short video clips that go into greater detail about certain topics that
may not be fully explored in the original video. For example, to accompany a lecture on statutory research that merely mentions that a bill number can be used to explore the legislative history of an enacted statute, a supplemental video that walks the viewer through the legislative history research process can be made available to students in the event that they would like to learn how to conduct legislative history research. The instructor may be able to find already-existing, published videos on YouTube or other online streaming services that can be used as supplemental videos for their course.

Instructors can also create video tutorials for students to reference when working on writing and research tasks on their own. For example, a video of an instructor critiquing a sample memo’s discussion section and making suggestions for improvements may be helpful to students during the writing process. Similarly, a video on how to use FDsys to update a federal regulation can clear up confusion a student may experience while completing a take-home research exam.

Most research exercises traditionally assigned as homework can easily be converted into solo or group in-class exercises. Traditional outside-of-class writing exercises may not translate as easily to in-class work, but some students may find having the instructor available to answer questions advantageous as they work alone on their writing in class. Instructors can also divide students into small groups to edit and critique one another’s writing or to have discussions about how they approached their writing. Students can also work in small groups to brainstorm next steps to take in analyzing the legal issue at hand.

In addition to working on in-class exercises, instructors can use the newly freed time to invite students to use the computer and projector at the front of the room to demonstrate their approach to a research problem using online legal research platforms while the class follows along. Setting aside some time to invite a panel of attorneys to an early class session to discuss the type of legal research and writing they do in practice may give students a sense of the importance of the skills they are learning in the course.

C. Trial Practice and Oral Advocacy

Many instructors in trial practice or oral advocacy courses already allocate a large portion of in-class time to students practicing the skills they are learning while the instructor offers a critique. However, the instructor ordinarily dedicates some classroom time to lecturing on foundational concepts of oral advocacy, the elements of a trial or appeal, and best practices for effectively and persuasively advocating for a client, often times demonstrating these best practices. All of these talks delivered by a professor in the front of the room with minimal student interaction can be recorded as videos for a flipped classroom. Such videos have the dual benefit of freeing up in-class time and giving students examples of well-executed arguments to watch over again as many times as they need while they develop their oral advocacy skills.

Flipping a classroom also allows the instructor to introduce additional content to a course through videos on topics that were not previously covered in the course. For example, instructors may want to make videos demonstrating poor execution of oral advocacy skills that include the professor’s critique of what went wrong in the video so that students may learn some common mistakes to avoid. If the instructor would prefer not to act in each video, students or other volunteers can be recruited as actors or clips from real trials can be used. Professors can also invite practicing attorneys and judges to be interviewed on camera giving the students advice on common mistakes to avoid and ways to improve the persuasiveness of their argument and their delivery. While some busy judges and attorneys may not have the time to visit a class to deliver a guest lecture, they may be able to spare time for an interview in their office. If additional content is added, instructors should be mindful of the burden viewing many new videos can have on a student’s time.

Students can use the freed in-class time for additional practicing, allowing for more instructor feedback on their skills development. The time can also be used for discussions of what techniques each student prefers and why, either in small groups or with the entire class. Some of the practicing that students would ordinarily do with teammates outside of class can instead be done in class with the professor nearby to answer questions or provide suggestions and advice for improvement. Guest lecturers could also be invited to share advice with students in the freed time.

D. Interviewing, Counseling, and Alternative Dispute Resolution

Like instructors in trial practice and oral advocacy courses, those teaching courses focused on client interviewing and counseling, or the various forms of alternative dispute resolution, can leverage the flipped classroom approach to not only replace lectures but also present best practices and critiques of common mistakes. Online videos of practitioners sharing tips and advice could also be used to supplement the existing material in these courses.

In addition, instructors could recruit students or volunteer actors to record brief videos of themselves as clients explaining the facts of their case and assign those videos to students to view and prepare a list of questions and an interview plan. The next class meeting could then begin with a whole-class or small-group discussion of those questions and plans. While the facts of the case could be conveyed as text on paper or a computer screen, watching videos of actors playing clients would appeal to visual and auditory learners in the course and
may be more interesting to all students compared to reading the facts.

The increased in-class time could be spent on additional practice, including practicing in small groups. The time could also be used for guest lectures or new exercises that the instructor may have wanted to try but lacked the in-class time in a course taught in the traditional manner.

IV. Conclusion

In response to legal employers’ call to prepare practice ready attorneys, legal skills faculty can turn to the flipped classroom pedagogy as a new tool to increase the amount of time spent working with students in class on active learning experiences designed to enhance their legal skills development. While “flipped classroom” may seem like a hot buzzword among instructors at all levels of education, the approach can bring many pedagogical and learning benefits to legal skills courses and experiential learning programs.

Despite the possible time consuming aspects of adopting the approach, faculty and students in higher education have embraced this pedagogy because it enables a focus shift in the classroom away from an instructor’s passive lecturing, placing the emphasis on students’ skills development. While flipping a classroom may seem like a dramatic change in how courses are taught and learning occurs compared to the traditional lecture-centered approach, today’s law students are predominately digital natives who easily adapt to the pedagogy because they are accustomed to receiving most of their information as digital content.

Flipped classroom puts students in control of when, where, and how often they can “attend” a professor’s video lectures and allows for immediate review of the material following the viewing of the lecture. Instructors remain responsible for teaching course material through video lectures and in-class review and discussion, reinforcing students’ understanding before engaging in active learning experiences with their peers and the professor. The active learning that occurs in the classroom can be tailored to accommodate students’ different learning styles if faculty vary the types of experiences they create for class sessions so that they appeal to different groupings of learning styles from session to session. The increased emphasis on active learning also provides opportunities for students to work together, preparing them to collaborate with attorney colleagues on client matters once they begin to practice law. As law schools work to expand the amount of skills development offered in their curriculum, the flipped classroom pedagogy may become an invaluable tool in making the best use of the time that expert legal skills and experiential learning faculty have with their students.