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A Dialogue on Jordanian Legal Education

George Critchlow
Nisreen Mahasneh, Yarmouk University

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A DIALOGUE ON JORDANIAN LEGAL EDUCATION

by Nisreen Mahasneh and George Critchlow*

Learning and innovation go hand in hand. The arrogance of success is to think that what you did yesterday will be sufficient for tomorrow. – William Pollard

Introduction

Jordan’s former Minister of Justice, Mr. Salaheddin M. al-Bashir, PhD, a practicing lawyer in Amman and a faculty member at the University of Jordan Law Faculty, had this to say about legal education in Jordan:

The central problem with legal education in Jordan is the lack of rigorous, interactive student engagement in the classroom. Students must be given opportunities to write, to communicate, to solve problems, and to develop critical thinking skills. It is simply not sufficient for students to sit passively in a classroom and listen to professors lecture or read. If Jordanian law students are to be competitive and ready for practice, they must learn to effectively communicate and solve problems. This will require new and innovative teaching strategies.

Jordan’s system of legal education is challenged by the need to produce lawyers who have the knowledge and skills necessary to represent clients in traditional settings and to meet the demands of modern transnational commerce, democratization, and the rule of law, including human rights law. The American Bar Association Rule of Law Initiative – Jordan,

*The authors’ professional credentials are set forth in the text. They wish to thank Hayley Dean, a law student at Gonzaga University School of Law, for her capable research and formatting assistance. The authors also thank Gonzaga Professors Sandra Simpson and Gerry Hess for their helpful comments.

2 Interview with Dr. Salaheddin M. al-Bashir, Senior Partner, Int’l Bus. Legal Assocs., in Amman, Jordan (Jan. 10, 2013).
3 See Nisreen Mahasneh & Kimberly Thomas, Learning from the Unique and Common Challenges: Clinical Legal Education in Jordan, Berkeley J. Mid. E. & Islamic L. (forthcoming 2013) (on file with author); see also Bashar H. Malkawi, Law in Jordan Gets Wired: Developing and Teaching Law Courses Online, ARAIB L.Q. 21, 364, 367 (2007); Mohamed Y. Olwan, Legal Education in Jordan (paper on file with authors); see also ABA Rule of Law Initiative – Jordan,
Initiative (ABA ROLI) is actively supporting legal education reform in Jordan and throughout the Middle East and North Africa region. This article grew out of the


Jordan is a Constitutional Monarchy, with the roles and responsibilities of governing institutions established in the 1952 Jordanian Constitution. Executive power is vested mainly in the hands of the king, but also in those of his appointed prime minister and cabinet ministers. [There is] a bicameral legislature, with a royally appointed 55-member upper house ... and a popularly elected 110-member lower house....


[T]he kingdom is divided into twelve governorates, each with a royally-appointed governor. Jordan’s judiciary is becoming a more independent entity.... Yet judges remain appointees of the Higher Judiciary Council, whose members are ... royal appointees. The judicial system includes criminal, civil, and religious courts. The religious courts provide for separate proceedings for Muslims and Christians, in order to accommodate different religious traditions and approaches to such matters as marriage, divorce, and family law.


4 Since 2005, the ABA ROLI [American Bar Association Rule of Law Initiative] has been working with nine local universities and has engaged professors and students in skills building workshops and other activities designed to introduce effective alternatives to the traditionally lecture and exam based methods of legal education in Jordan. ABA ROLI has introduced interactive teaching methods to law professors through workshops and study trips, and has gradually built the capacity of local professors to take the lead in skills building student activities in and outside of the classroom. ABA ROLI supported student activities include moot court, a legal writing competition hosted by Jordan’s National Center for Human Rights, summer practicum sessions and externships. ABA ROLI has also assisted local professors in the development of new courses such as Legal Research and Writing, Legal English, and ADR. The ABA ROLI is continuing efforts to
experiences, discussions, and shared interests of the co-authors – a Jordanian law professor and an American law professor who have worked with the ABA and Jordanian law faculties to develop strategies for strengthening legal education in Jordan.

Nisreen Mahasneh is a professor of law at the University of Yarmouk in Yarmouk, Jordan teaching Contracts, Legal Research & Writing, and public legal education clinic. She is also a Senior Legal Education Specialist for the ABA in Jordan. With ABA support, she introduced new experiential learning opportunities for law students at Yarmouk through the creation of a law clinic that calls for students to research, prepare, and deliver public presentations on employee rights for the benefit of working people in the Yarmouk community. Professor Mahasneh recently co-authored and published an article on the potential for developing clinical education in Jordan.5

George Critchlow teaches law at Gonzaga University School of Law in Spokane, Washington. His teaching experience includes clinical law, international human rights, civil procedure, criminal procedure, and litigation skills. He also has substantial administrative experience as a clinical program director and law school dean. In the summer of 2012, Professor Critchlow was invited to Jordan by the ABA to work with Jordanian law faculty and lawyers, and ABA staff, to develop an interactive human rights curriculum for use by Jordanian law teachers. The curriculum is offered in both English and Arabic and is available on a compact disc.6 More recently, in January, 2013, Professor Critchlow returned to Jordan as a legal education consultant to assist in the ABA’s support of legal education reform at the University of Jordan in Amman. That work focused primarily on the need for more innovative and interactive teaching techniques in the classroom -- techniques designed to give students opportunities to learn more deeply and to develop basic lawyer skills in communication, critical thinking, problem-solving, collaboration, etc.

institutionalize experiential learning at law schools and to encourage professors to focus on core skills needed for the job market.
ABA Rule of Law Initiative - Jordan, supra note 3.
5 Mahasneh & Thomas, supra note 3.
6 The compact disc is available through the American Bar Association Office in Amman, Jordan. For more information on the human rights curriculum, see ABA Rule of Law Initiative - Jordan, supra note 3.
This article is written in a dialogic format as a means of sharing and comparing the authors’ perspectives, recognizing that Jordanian and American legal education derives from different traditions; also recognizing the co-authors’ inevitable differences in cultural and professional experiences.

The conversation revolves around the following questions:

- How has legal education traditionally been delivered in the classroom in Jordan?
- Are students given the opportunity to actively learn and demonstrate lawyer skills?
- As a practical matter, where is a student expected to learn critical thinking, legal writing, oral communication, and problem-solving skills?
- If students do not learn these skills in school, do they have ample opportunities to become competent in these skills through bar association or judicial apprenticeships?

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7 Jordanian law students study law as undergraduates. They are admitted to one of several public or private law schools based on high school grades. The basic degree is an LL.B. In order to practice, a law school graduate must participate in a two-year postgraduate professional certification program supervised by the Jordanian Bar Association. Mohamed Y. Olwan, Legal Education in Jordan 1-2 (May 30, 2008) (unpublished paper), available at www.ialsnet.org/meetings/assembly/MohamedOlwan.pdf. The adequacy of the required certification process is discussed infra pp. 11-12. There are currently eighteen law schools in Jordan. For a list of Public universities, see Public Jordanian Universities, HASHEMITE KINGDOM OF JORDAN MINISTRY OF HIGHER EDUCATION & SCIENTIFIC RESEARCH, http://www.mohe.gov.jo/Universities/tabid/608/language/ar-JO/Default.aspx?x=1 (last visited February 16, 2013). For a list of private universities, see Private Jordanian Universities, HASHEMITE KINGDOM OF JORDAN MINISTRY OF HIGHER EDUCATION & SCIENTIFIC RESEARCH, http://www.mohe.gov.jo/PrivateUniversities/tabid/64/language/ar-JO/Default.aspx (last visited February 16, 2013). In the United States, law is a three year post-graduate course of study. Law students must have an undergraduate degree (not necessarily law related). Admission to law school is typically based on a student’s undergraduate record and the student’s score on the Law School Admissions Test – a standardized test designed to measure a student’s cognitive aptitude. A law school graduate must take and pass a state’s bar examination in order to practice law in that state. Applying to Law School: The Application Process, LAW SCH. ADMISSION COUNCIL, www.lsac.org/jd/apply/jd-llm-difference.asp (last visited Feb. 16, 2013).
• What are the challenges and obstacles that prevent change in classroom teaching and how might those obstacles be overcome?
• How and why is legal education changing in other countries and to what extent is that change occurring in Jordan and other Arab states?
• What specific and concrete teaching techniques and approaches are recommended to actively engage students in learning how to think critically, solve problems, and communicate orally and in writing?

Dialogue

Critchlow:

Do you agree with Mr. Bashir’s assessment of legal education, quoted at the beginning of this article? Why or why not?

Mahasneh:

Unfortunately, I believe Mr. Bashir is correct. I still recall that very moment when I walked for the first time into the classroom at my faculty to start my law teaching career. Without any solid teaching experience or training, relying merely on those orthodox teaching methods which I had in mind from my old professors, I found myself trapped and struggling. The only benchmark I had to gauge whether or not I succeeded in my first semester was my ability to cover all the items set forth in the study plan.

My classrooms used to be very quiet; it was only me speaking, while students just listened without bothering me with questions. Looking back now, I wonder if they were with me in their minds or if they were there only physically? I will never forget the incident where one of my students demonstrated that lack of interest by sitting in the back of the class reading a newspaper.

When I now look back at my first few years as a law professor, I feel that I owe an apology to those students who felt bored in my lectures, especially the newspaper
reader who I kicked out of my classroom. To be frank, it was not his fault, but mine for having failed to engage him in my lecture.

I dare say that my story is repeated every day by fresh and experienced law professors alike. As for me, however, some years ago I made a strategic decision to change my style of teaching. The question remains to be asked: how many law professors have come to the conclusion that the time has come for change.

If we were to go to the heart of the matter, it is clear that teaching methodology is not an issue addressed at the level of faculty policy and mission; neither is it normally discussed in faculty meetings. Further, the so called “academic traditions” give sole responsibility for teaching methods to professors themselves. Thus, the traditional lecture style of teaching remains the norm at law schools in Jordan, with interactive teaching the exception. The consequence is that selecting course materials – texts, case law, and other relevant information – is the core task of professors while students confine themselves to the role of passive recipient. Students are not generally called upon to conduct research, participate actively in classroom presentations and problem-solving, or answer questions. The professor is regarded as the source of knowledge,
and he or she must be prepared for any questions that may be raised by a student in relation to the course.\footnote{Yarmouk University’s faculty member regulations state that faculty members assume certain academic responsibilities: teaching, conducting research, writing exams, supervising students, attending internal committees, assuming requested administrative work, and lastly, protecting the University’s academic and scientific endeavors. Article 19/a, Yarmouk University Faculty Member Regulation, \textit{available at} http://law.yu.edu.jo/index.php?option=com_phocadownload&view=category&id=17:2011-06-20-08-54-35&Itemid=154pdf; see also Article 23, Al Al-Bayt University Faculty Member Regulations, Number 40 (2000), \textit{available at} http://www.lob.gov.jo/ui/bylaws/search_no.jsp?no=40&year=2000.}

This traditional style of teaching deprives students of an opportunity to become real partners in the legal education process, rather than being merely spoon fed. Further, it makes it very hard for them to develop legal research, problem-solving, and critical thinking skills – the most important skills for effective lawyering.

\textbf{Critchlow:}

I can sympathize with professors who rely or fall back on the traditional lecture mode of teaching. While many of us may not be comfortable admitting it, the fact is that it is often easier to lecture from past notes than to devise new and interesting ways of engaging students in each class. Also, some professors might like to teach in a more interactive way, but they lack knowledge and training in relevant techniques and approaches. Finally, I wonder if there is an unconscious psychological factor that contributes to the problem -- our desire as professors to present ourselves as powerful, indispensable founts of knowledge, a perception that might be at risk if we allow students to be our active partners in the classroom.

I once invited my twelve-year-old daughter to attend a class I was teaching on civil procedure in the American litigation process. I thought the class went pretty well until my daughter, who had sat at the back of the classroom, told me afterwards that I failed to give students an opportunity to meaningfully participate, that some students were Facebooking and emailing rather than listening, and that I acted like I was the most important and smartest person in the room. She went on to say that her sixth grade teacher would never teach a class that way. The teacher would constantly be
talking to students and giving them feedback on classroom projects and activities. This was, of course, a devastating critique, but one that caused me to take a serious look at how I was approaching that particular class. My conclusion was that I had gradually and unconsciously returned to a traditional lecture mode, probably because I was very busy that semester, and it was less taxing and time-consuming to simply walk into class and start talking rather than focus seriously on alternative and more effective approaches to teaching the particular subject matter.

**Critchlow**

Returning to the situation in Jordan, what rationale or justification is advanced to explain a system of instruction that prevents students from participating more actively in the education process?

**Mahasneh:**

One cannot underestimate the influence of the currently existing perception that law teaching and courses are and should remain theoretical and that a theoretical course cannot be taught in a practical manner. The premise behind this perception is that law students must first build up the legal knowledge base, which is the role of the law school. All other skills and knowledge should be the concern of post-graduation institutions, but not law schools. In practice, this perception leads to professors lecturing on all aspects of the course, including every single detail, even the very basic ones, to ensure that every piece of the “theoretical base” is provided in the classroom. Not only does this cause lectures to be tedious and uninteresting, but students naturally assume and expect that any issue not mentioned by the professor in the classroom will be outside the scope of the exam and unworthy of attention. This approach leaves no room to deeply tackle controversial or complicated legal issues or to provide students

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12 Practicing law in Jordan is divided into two categories: practicing lawyers and judicial work. The organized bar is responsible for equipping law graduates with practical skills through an apprenticeship process; the Juridical Institute is the body in charge of providing needed skills to those doing judicial work. There are several obstacles that prevent this model from being successful. They are discussed in connection with the challenges that delay or prevent change in Jordanian legal education. See discussion *infra* pp. 11-12, 19-21.
with practical skills relating to communication, debate, and critical analysis. In addition, it virtually assures that all course information comes from professors during lectures, rather than from student research or initiative.\textsuperscript{13}

Students tend to use a standard textbook for each course, which provides them ease and comfort, as they need merely to memorize this book to survive. No further assignments or activities are asked or required. The consequence of teaching “theory,” without techniques aimed at teaching and assessing critical thinking and communication skills, is that students learn how to memorize and regurgitate information that has little or no context or meaning beyond the objective of passing an exam.

Critchlow

I have admiration and respect for the effort and commitment expected of law professors in Jordan. It must be very demanding and difficult to give comprehensive coverage to the “theoretical base” of every subject. However, there is another way of thinking about the learning process that, in some respects, leads to easier and more exciting teaching for professors and more engaged and effective for learning for students.

There is a good deal of empirical research showing that dividing learning into “theory” and “practice” presents a false dichotomy.\textsuperscript{14} Theory and practice are symbiotic, and both can be learned more deeply when they are integrated. Students learn theory more effectively when it is contextualized and made relevant in practical

\textsuperscript{13} Academic traditions at law schools require the law professor to prepare a syllabus for the course he/she teaches. This syllabus usually contains some introductory information about the course, its objectives, grading policy, and the topics of the course as divided over 16 week length of the semester.

\textsuperscript{14} The Carnegie Foundation for the Advancement of Teaching sponsored a comprehensive study of legal education in the United States and Canada. The results of the study, together with several recommendations for improving legal education, were reported in \textit{Educating Lawyers, Preparation for the Profession of Law} (2007), otherwise known as the Carnegie Study. The book contains an in depth discussion about the need to integrate theory and practice, to “engage” students rather than deliver information with “detached objectivity,” to build curricula and teaching methods in ways that facilitate students’ ability to both “act and think in uncertain situations,” and to apply learning theory that describes “the reciprocal interpenetration of cognitive development and social interaction.” The Carnegie Study also addresses the need for faculty and administrators to communicate with, learn from, and contribute to each other’s purpose in order to bring about change.
ways, especially in ways that relate to what lawyers actually do to solve problems for clients: planning, researching, implementing, writing, counseling, collaborating, negotiating, etc.\(^{15}\) Students are more likely to develop good legal judgment and the capacity to apply legal knowledge competently when they engage in educational activities that give them opportunities to “observe, simulate, attempt, and critically reflect on their work or performance.”\(^{16}\)

This is not to say that required post-graduate apprenticeships are not important or should be abandoned. In fact, the apprenticeship requirement in Jordan and most countries is a feature of legal education that is superior to legal education in the United States where students can become licensed to practice in most jurisdictions without any post-graduate practice experience.\(^{17}\) However, market forces, lack of lawyers and law firms willing to supervise an apprenticeship, lack of consistently good apprenticeship oversight, an oversupply of law graduates, and geographical inconvenience are many of the reasons that make it impractical and unwise to rely solely on bar association apprenticeships as a means for teaching students how to practice law.\(^{18}\) Even if the bar association could guarantee an effective and convenient post-graduate apprenticeship for all graduates, that is no reason to deny law students the benefits of active learning activities while in school.\(^{19}\)

The value of integrating theory and practice might be illustrated through a very basic but revealing example. One could attempt to learn the theory of driving a car without ever driving a car. This might involve studying the mechanics of motion, velocity, braking, steering, and decision-making. The effort to teach theory would undoubtedly be more successful when coupled with the actual experience of driving a car in an instructional setting where the student is able to demonstrate understanding,

\(^{15}\) See generally Michael Schwartz, Sophie Sparrow & Gerald Hess, Teaching Law By Design (2009).


\(^{18}\) See Professor Mahasneh’s comments on this topic infra pp. 11-12.

\(^{19}\) Larry E. Ribstein, Practicing Theory: Legal Education for the Twenty-First Century, 96 Iowa L. Rev. 1649, 1676 (2011).
exercise judgment, critically reflect on her experience, and be assessed according to specified criteria.

**Critchlow**

Do students participate at all in the typical law class in Jordan, perhaps by asking and answering questions? If so, is that participation considered in the course grade?

**Mahasneh:**

During the course of a four-month semester, students are exposed to two or three exams; 10%-20% of the marks might be allocated to so-called "Participation & Activities." Participation here refers to the engagement of students within the classroom in either asking or answering some basic questions on topics raised by the professor. Activities refer to conducting research, reports, oral exams, and tests at the request of the course professor.

However, experience has shown that those “participation grades” do not motivate students to become more actively involved in the classroom, as few students volunteer to participate. This causes real frustration for many law professors -- to the extent that they disregard participation grades or calculate them on some other basis, such as student behavior and attendance. To sum up, students prefer to achieve better grades by more and better memorization of the course textbook. Being an “A”

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21 University regulations require Jordanian students to attend a certain percentage of classes, with only a few absences allowed per course. If a student fails to attend at least 85% of the classes in a course, he or she would be dismissed from the course and would be prohibited from taking the exam for that course. See Article 8, Yarmouk University Regulation Number 6 in relation to Granting the Bachelor Degree (2008), available at http://law.yu.edu.jo/phocadownload/G8/Laws/bachalor%20regulations.pdf; Article 12, University of Jordan Regulation Number 137 on Granting the Bachelor Degree (2005), available at http://www2.ju.edu.jo/Pages/Regulations/%D8%A7%D9%84%D8%A9%20%D8%A7%D8%AA%20%D8%A7%D9%84%D8%B9%D9%84%D9%85%D9%8A%D8%A9%20%D9%88%D8%A7%D9%84%D8%B4%D9%87%D8%A7%D8%AF%D8%A7%D8%AA.pdf.
graded law student does not necessarily reflect outstanding skills, as exams mostly measure the capability of the students to store large amounts of legal information.\textsuperscript{22}

\textbf{Critchlow:}

Unfortunately, there is also no guarantee that an “A” student in an American law school has outstanding skills, although there is increasing emphasis on preparing students for practice.

If, in a typical Jordanian law school class, students do not generally participate in research and legal writing activities, and if they are not often called upon to engage in critical analysis and problem-solving, when do they learn these skills? Is there ample opportunity to develop these competencies during post-graduate training by the bar association or judiciary?

\textbf{Mahasneh:}

I believe that acquiring skills following graduation becomes largely dependent on the individual law graduate. If he or she is lucky enough to get trained at a good law firm that follows good business practices, such a graduate may have a chance to pick up some of these skills. A law graduate who trains at a big law firm in Jordan will likely be exposed to skills like drafting, research and writing, interviewing, and negotiations. Additionally, some graduates may be exposed to high level and specialized legal work (such as working on concession, management, and licensing contracts) that comes to Jordanian law firms as a result of international and regional economic integration. Still, it remains the graduates’ responsibility to find and obtain experiences that prepare them for the legal market.\textsuperscript{23}

\textsuperscript{22} See American Bar Association, \textit{supra} note 10 (agreeing with the meaning of an “A” graded law student).

\textsuperscript{23} The Jordanian Bar Act obligates the law graduate who wants to become a practicing lawyer to be trained under the supervision of one lawyer. The training period in general is two years during which the trainee lawyer is to undergo oral and written exams. Those exams are similar to the university exams since they are in the substance of the law. Also, trainees must appear before courts a minimum number of times throughout the training period. Lastly, a trainee must submit a legal essay and be examined in an open discussion. Jordanian Bar Association Bylaws of 1966, available at http://www.jba.org.jo/Ar/GateOfLaws.aspx.
One obstacle to post-graduate training is that big law firms are generally located in the capital city of Amman, thereby making it difficult for students from other cities to have an equal opportunity to be trained at such firms. Another obstacle is that most of these firms are very selective in their training and internship policy. Still another obstacle is that skills-training in law firms is not always high quality. Graduates may not learn necessary skills if they have internships at traditional law firms and single-lawyer offices that do not provide meaningful opportunities to engage in serious lawyer work, or if they deal only with less complex cases and have little or no exposure to international work. Thus, there is a gap among graduates in terms of training quality. In sum, skills-training is offered and available in the market, but finding it is something that depends on the luck, circumstances, and location of each graduate.

It should be noted that the quality of post-graduate training through the Judicial Institute in Jordan (JIJ) is more consistent. The JIJ teaching staff is comprised of experienced judges, and the JIJ has adopted a very ambitious plan to produce a well-trained generation of new judges.24

It remains true, however, that law students should start the process of gaining skills at the law school, whereas post-graduation training, either as a judge or a lawyer, should be a mere continuation of that process. In theory, this should make the tasks of the Bar and JIJ less complicated and demanding, since they do not have to start from zero.

Mahasneh:

You have experience teaching law in other developing countries as well as in the United States. What can you tell us about legal education challenges and reform in other places?

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24 The new study plan for the Judicial Institute in Jordan indeed constitutes a jump forward in terms of quality of training provided to the trainee judges. According to the study plan, the trainees study 45 hours in the period of two years, and those hours are divided into three main aspects: practical courses in which some important topics are taught such as moot court, drafting, and legal ethics; internship in courts; and training sessions and field trips. See Study Plan, JUDICIAL INSTITUTION OF JORDAN, http://www.jij.gov.jo/files/study%20ccc.pdf.
Critchlow:

Traditional legal education in the United States and throughout the world has not been especially effective in preparing students to practice law.25 This is because, like Jordan, legal education in most countries has relied primarily on passive education via the lecture method. In the United States, a common law jurisdiction, law professors traditionally have used a combination of lecture and the case method.26 It is only in the last generation or so that legal educators have paid attention to learning theory and started to implement more innovative and effective teaching strategies, including the introduction of simulation and live-client clinical programs. Clinical legal education, in particular, has now taken on a global aspect, moving from the United Kingdom, Canada, and the United States to Eastern and Central Europe, Asia, Africa, South America, Australia and, now, the Arab states.27

As noted, the models of legal education used outside the United States are in many ways superior to the American model because most countries require some form of apprenticeship or practicum before a law graduate can be licensed to practice law.28 Unfortunately, as we have discussed, apprenticeship programs can be inconsistent and unreliable in insuring that every law graduate obtains appropriate practice skills. This makes it all the more important for law schools to take responsibility for developing the core skills lawyers need for practice, especially critical thinking, problem-solving, and communication skills.

In the course of the last twenty years or so, there have been at least three key publications that influenced law school curricula and teaching methods in the U.S. The

25 Stuckey, supra note 17, at 650.
26 The case method is a means of teaching doctrine and analysis by having students read appellate court decisions and answer professors’ questions about the case holding, facts, and principles of law.
27 See generally The GLOBAL CLINICAL MOVEMENT: EDUCATING LAWYERS FOR SOCIAL JUSTICE (Frank S. Bloch ed., 2011) (describing the emergence of modern clinical legal education in the United States and Britain and tracing the development of clinical legal education across the globe). For articles dealing with developments, issues, and challenges in clinical legal education throughout the world, see International Journal of Clinical Legal Education, published by the Northumbria Law Press at Northumbria University School of Law. For an in-depth discussion of clinical legal education in Jordan, see Mahasneh & Thomas, supra note 3.
28 Stuckey, supra note 17, at 660.
first was the so-called “MacCrate Report,” published 1992 by the American Bar Association.\textsuperscript{29} It presented a serious critique of traditional American legal education based, among other things, on the lack of skills instruction that would enable students to learn the practice of law, not just the knowledge relating to statutes, administrative regulation, and doctrine.\textsuperscript{30} The MacCrate Report provided an impetus for further emphasis on “real client” clinics, simulation clinics and courses, expansion of externship programs (where students receive academic credit for working in supervised law office, courtroom, and government agency settings), interactive teaching in the classroom, ethics and professionalism.\textsuperscript{31}

The second significant publication was the 2007 “Carnegie Study,” a comprehensive review of legal education in the United States and Canada sponsored by the Carnegie Foundation for the Advancement of Teaching.\textsuperscript{32} The study was conceived and developed by professional educators and learning theorists, not just lawyers and law teachers. It reasserted the proposition that America law graduates are not sufficiently practice-ready and concluded that law school curricula needed to be more creative and thoughtful about integrating theory and practice, identifying desired learning outcomes, and designing curricula and assessment strategies that insure those outcomes are achieved.\textsuperscript{33} The book offers extensive detail about teaching approaches designed to move legal education beyond classroom lectures and Socratic dialogues to interactive learning that creates a variety of opportunities to achieve and measure intended outcomes relating to both practice skills and knowledge acquisition.\textsuperscript{34}

\begin{itemize}
\item \textsuperscript{29} \textit{AM. BAR ASS'N, LEGAL EDUCATION AND PROFESSIONAL DEVELOPMENT: AN EDUCATIONAL CONTINUUM (1992)} [hereinafter \textit{MACCRATE REPORT}].
\item \textsuperscript{30} \textit{Id.} at 287.
\item \textsuperscript{31} See Patricia Mell, \textit{Law Schools and Their Disciples}, 79 MICH. B.J. 1392, 1394 (noting that the addition of practical skills courses to law school curricula between 1994 and 1997 “suggest that the legal academy noted MacCrate’s concerns on preparing lawyers with the SSV’s [skills and values] fundamental skills”).
\item \textsuperscript{32} \textit{CARNegie STUDY, supra} note 16.
\item \textsuperscript{33} \textit{Id.} at 1-17.
\item \textsuperscript{34} See \textit{supra} note 16 and accompanying text; see generally \textit{CARNegie STUDY, supra} note 16.
\end{itemize}
The third publication that has significantly affected legal education in North America is “Best Practices for Legal Education” by Roy Stuckey and Others.\textsuperscript{35} This book reinforces the message of both the MacCrate Report and the Carnegie Study. It emphasizes the key finding of the learning sciences about the importance of “context-based education.” The thesis is: “Students cannot become effective legal problem-solvers unless they have opportunities to engage in problem-solving activities in hypothetical or real legal contexts.”\textsuperscript{36} The report details best practices for clinical teaching, externship programs, and classroom teaching of skills, knowledge, and values.

It is important to recognize that the critique of legal education contained in these books represents opinions advanced by experts in learning theory, the organized bar, and legal education specialists. All agree that American law schools could do a better job of producing graduates who are critical thinkers and better prepared for practice. Recent economic and structural developments in the practice of law in the U.S. have combined to make it even more essential for law schools to produce practice-ready graduates. Clients, including large corporate clients, are no longer willing to pay high fees that, in part, reflect the cost of training new lawyers.\textsuperscript{37} Law firms have adjusted by hiring fewer lawyers.\textsuperscript{38} When they do hire, they look for graduates that can add

\textsuperscript{35} Roy Stuckey et al., Best Practices for Legal Education (2007). The full text of Best Practices is available at \texttt{www.lawteaching.org}. This website also contains a wealth of information and examples of active teaching methods.

\textsuperscript{36} \textit{Id.} at 109.

\textsuperscript{37} Stephen Younger, \textit{Shaping Our Profession: A Blueprint for the Future}, N.Y. St. B. Ass’n J. 82 (Aug. 2010) (“Each year thousands of law students graduate law school with hundreds of thousands of dollars in education-related debt, but they are not prepared for the practice of law. While law schools do a terrific job teaching students how to think like lawyers, they are not preparing them to draft a contract or take a deposition. This leaves law firms to train associates during their first and second years on the job; however, more and more clients are refusing to pay for the work of new associates.”); \textit{see also} Mark Galanter, \textit{The Elastic Tournament: A Second Transformation of the Big Law Firm}, 60 Stan. L. Rev. 1867, 8171 (2008); David Barnhizer, \textit{Profession Deleted: Using Market and Liability Forces to Regulate the Very Ordinary Business of Law Practice for Profit}, 17 Geo. J. Legal Ethics 203, 234 (2004).

\textsuperscript{38} See Barbara Durkin, \textit{A Whole New World}, N.Y. St. B. Ass’n J. 34, 83 (Sept. 2011) (Large and small law firms are turning towards lateral hiring and contract hiring as a means of avoiding the expense and attrition associated with training new lawyers.); Mark Roellig & Christine Gouin, \textit{School Days: How to Hire and Develop In-House Legal Professionals}, 30 No. 8 ACC’T. Docket 66 (2012).
immediate value.\textsuperscript{39} It is likely that these pressures are global in nature and that law firms in other countries, including Jordan, will be seeking to hire lawyers who already possess meaningful skills.\textsuperscript{40}

For all of these reasons, the acquisition of skills, knowledge, and values through active teaching and experiential learning is now regarded as an essential. A substantial body of literature has been produced about effective teaching in the traditional classroom as well as in the context of legal research and writing courses, and clinics. Among the leaders in the field of law school teaching technique is my colleague at Gonzaga University School of Law, Professor Gerry Hess, who founded and co-directs the Institute for Law Teaching and Learning. This Institute’s mission is to improve the quality of teaching and learning in law schools.\textsuperscript{41} It publishes information and news, maintains a website, and sponsors conferences to help law professors become better teachers by learning and using techniques designed to actively engage law students and expose them to a range of classroom activities that enhance learning.\textsuperscript{42} It also advises on curriculum design and reform, assessment, learning rubrics, team-based learning, and new ideas about effective teaching and learning.\textsuperscript{43}

\textbf{Mahasneh}

Now that you have had an opportunity to talk with Jordanian law professors, deans, and lawyers, and observe how our law faculties work, what specific and concrete innovations and techniques do you believe would be most useful for introducing interactive teaching to Jordanian law classes?

\textbf{Critchlow:}

\textsuperscript{39} \textit{Id.}
\textsuperscript{40} Hope Viner Samborn, \textit{Viva La Difference}, 87 A.B.A. J. 56 (2001) (stating that most foreign law firms are reluctant to hire new graduates because they lack the resources to train them).
\textsuperscript{41} \textsc{Inst. for Law Teaching \& Learning, Mission of the Institute}, http://lawteaching.org/about/ (last visited Feb. 24, 2013).
\textsuperscript{42} \textsc{Inst. for Law Teaching \& Learning, Idea and Article of the Month and Upcoming Conferences}, http://lawteaching.org/index.php (last visited Feb. 24, 2013).
\textsuperscript{43} \textit{Id.}
There is an enormous amount of literature on what it means to be an effective teacher. As we have discussed, learning theories have verified the crucial importance of engaging students in active learning activities in order to maximize their ability to store, remember, and use information in an organized, meaningful way. There are several fairly obvious ingredients of good teaching, including subject matter expertise, preparation and organization, and respect and support for students. Less obvious are the importance of using active learning methods (in addition to passive methods); the need for a variety of teaching and learning activities; and the importance of giving students opportunities to engage in collaborative learning (with other students and with the professor).

Let me address each of these in some detail. Active methods of teaching are methods that cause students to engage in more than just listening. They might include reading, formulating questions, answering questions, writing, planning, organizing, making presentations, performing lawyering skills, or applying knowledge and skills in a simulated or real-life setting. Professors should choose methods of teaching that are suited to the various goals of the course with the understanding that active involvement by students is especially helpful in fostering critical thinking, understanding concepts, developing lawyer skills such as negotiation and interviewing, and dealing with issues of professional ethics and professionalism.

Variety is a characteristic of effective teaching that involves all aspect of teaching: articulation of course objectives, teaching methods, choice of materials, and

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44 SCHWARTZ, SPARROW & HESS, supra note 15, at 3-21.
45 Id. The authors discuss four theories as applied to legal education: Cognitive Learning Theory, Constructivist Learning Theory, Adult Learning Theory, and Self-Regulated Learning Theory. Collectively, these theories focus on the need for students to “actively” participate in the learning process; to “figure things out for themselves;” to “have a role in deciding what and how they will learn;” and to manage their own learning process through opportunities to “plan,” “implement,” and “reflect” upon their learning tasks.
46 Id. at 12-17.
47 Id.
48 Id. at 18.
49 Id. at 19.
evaluation. The authors of *Teaching Law By Design* underscore the meaning and importance of variety:

Course and class objectives should not be one-dimensional. Every subject can include goals for student learning of concepts, skills, and professional values. Teaching and learning activities in and out of the classroom can come from an extensive menu, including Socratic dialog, large group discussion, small group work, problem solving, lecture, simulation, experiential learning, electronic discussions, student presentations, writing, etc. Materials appropriate to support wide ranging teaching and learning activities include casebooks, statutory supplements, articles, computer programs (such as CALI [computer assisted legal instruction]), websites, pictures, and videos. Evaluating students can occur through exams, papers, and performances.

The reason variety is so important is that students learn in different ways, different objectives can are achieved through different methods, and students’ interest and motivation are more likely to be sustained.

Finally, collaborative (or cooperative) learning has been confirmed by experts as a means of promoting problem-solving skills, critical thinking, positive attitudes toward the course, and closer, healthier relationships among students and between students and teachers. Since cooperation is an important activity in the practice of law, it is also valuable for students to have opportunities to experience and learn about collaboration in law school. Students benefit not only by finding shared ways to understand material and solve problems, but by developing tolerance and respect for diverse perspectives. Collaboration can be incorporated into course learning in a variety of simple and more complex ways. For example, students can be paired for

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50 *Id.* at 17.
51 *Id.* at 17-18.
52 *Id.* at 18. Skills such as interviewing and counseling might best be learned through simulation; critical thinking might be promoted by requiring students to make a class presentation followed by a guided class discussion; drafting a contract may be effective in teaching writing skills, analysis of contract principles, and planning; and Socratic dialogue may be the best ways for students to understand the meaning and significance of a reported case or code provision. See also Gerald Hess, *Value of Variety: An Organizing Principle to Enhance Teaching and Learning*, 3 ELON L. REV. 65, 66-70 (2011).
purposes of working on an exercise; teams of students can operate as “law firms” in representing clients with adverse interests; students can be assigned to teams for purposes of making a class presentation on a particular topic; and students can be called upon to work together on research and writing projects. Students might also collaborate by assessing fellow student activities (in or out of class) according to prescribed rubrics.\textsuperscript{55}

Collaboration can also be an effective teaching technique in the context of student-professor collaboration. Perhaps the most meaningful way for student and teachers to collaborate is by involving students in the design of the course or assignments. This might be done by allowing students to choose among topics for writing or problem-solving assignments; to choose research topics or supplemental readings; or find and present relevant stories, videos, or pictures from the internet.\textsuperscript{56} Research shows that cooperation between teachers and students in course design fosters greater student motivation and positive attitudes about the course and the professor.\textsuperscript{57}

\textbf{Critchlow:}

In your opinion, what are the challenges and obstacles that prevent more innovative teaching in Jordanian law classes?

\textbf{Mahasneh:}

I will classify those challenges into three categories: challenges related to faculty, university administrations, and law students.

\textsuperscript{55}This type of assessment would typically be in the nature of “formative” feedback intended to benefit the student who is assessed and also the student who gives the feedback. Formative assessment is meant to help students improve by receiving constructive information about their performance on a particular learning activity. Formative assessment is to be distinguished from “summative” assessment – the evaluation conducted for purposes of assigning grades. \textit{id.} at 137, 154-155.

\textsuperscript{56}\textit{id.} at 20

\textsuperscript{57}\textit{id.} at 20; see generally Hess, \textit{supra} note 52.
Starting with faculty members, private perspectives and beliefs sometimes play a vital role in causing resistance to any change in teaching methods. There are at least two reasons behind such resistance.

First, many of our pioneering and most successful law professors were taught in accordance with purely traditional teaching methodologies by some of the most famous Arab law professors and jurists throughout the region. Jordanian professors teach the way they were taught. They may point to the fact that traditional teaching methods did not prevent their own professional success.

Second, interactive teaching methods are, by nature and definition, Western inventions. It is, therefore, rather easy and common to reject such imported ideas on political grounds and the fear that new ideas about teaching somehow constitute external political interference in the business of Jordanian law schools. Rationally, we need to expect some law professors to be against any change coming from the West. Similarly, we need to acknowledge that what works in western countries does not necessarily fit Jordanian circumstances, as culture and the legal system as a whole differ. For example, we have found that the idea of legal clinics was initially not welcome in Jordan. Many saw it as having a mere political agenda to impose western concepts in a conservative society.

As for administrative issues, law professors in Jordan generally teach at least twelve hours per week. Once promoted to full professor, the teaching burden is then relaxed to nine hours.\(^5\) However, due to the lack of law professors at some law schools, it is common that law professors undertake extra teaching burdens. This is all in addition to academic supervision work, which entails supervising four to six Master

degree students. As a result, a law professor spends a good deal of time grading exams and reading master students submittals -- not to mention, of course, that law professors must write and publish a number of articles to get promoted. With such a big load, it is debatable whether or not the goal of being creative in the classroom is attainable.\(^{59}\)

Further, law professors are overwhelmed by the feeling that they are socially undervalued and financially underpaid, particularly considering the tasks and mission they are expected to carry out.\(^{60}\) This discourages them from assuming extra tasks, tasks that will not better them financially, knowing that such extra tasks and special work in the classroom will neither be taken into consideration for promotional purposes, nor distinguish them in the eyes of the administration.

Also, given their financial constraints,\(^{61}\) some university administrations have tended not to see special students activities and projects, whether inside or outside the classroom, as a high spending priority. This means that excellent initiatives and ideas introduced by law professors sometimes get stuck in the face of lack of funding. This raises the question: is it really one of the professor’s tasks to conduct fund raising? Of course, these financial constraints are also negatively affecting the logistical side of the educational process. Computers, data show screens, internet access, and data bases such as West Law or Lexis Nexis are simply not available on a sufficient basis.

Finally, as for the students’ factor, it is widely believed that law schools admission policy permits the easy entry of some unqualified students. That is to say, the parallel path and exceptional acceptance schemes allow high school students with

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59 This factor has been noted in the report of the American Bar Association, *supra* note 10.
60 *Id.* It is noteworthy that the ABA team interviewed some law professors who expressed their frustration about their salaries. *See also* Mohammed Y. Olwan, *supra* note 7, at 3.
61 For example, in 2012, total deficit for the ten public universities amounted to nearly 134 million Jordanian Dinars (JDs), while total debt amounted to almost 48 million JDs. *Deficit Budgets of Universities is 133 Million Dinars and Total Debt is 48 Million, JORDAN TIMES, May 6, 2012, http://www.alrai.com/article/511042.html.*
low grades to study law. With these students taking their place in classrooms, creativity and innovation in law teaching becomes even more questionable. Professors notice that the ability of some students in the classroom to be responsive to new interactive initiative is rather limited. This problem is heightened by the fact that classrooms themselves are not well equipped for interactive teaching methods.

Critchlow:

Assuming there is a desire for change, how can these obstacles and challenges be overcome?

Mahasneh:

In suggesting now how to overcome such challenges, I do not want to be too speculative or philosophical. I would like, however, to say one simple thing: Change will come professor by professor and university by university. There are reasons that law professors should be motivated to incorporate enhanced teaching techniques in their work. Professors who are using modern law teaching techniques will distinguish themselves and receive positive attention. Even with all the obstacles mentioned previously, students still appreciate new and varied styles of teaching, while others within the faculty and university will acknowledge that what is being done is something really different and beneficial. In other words, an innovative professor distinguishes

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62 The minimum grade needed in high school for acceptance to law school is 70%. The Bases for Accepting Students at Jordanian Public Universities for the year 2012-2013, available at http://www.admhec.gov.jo/Files/PublicUniversitiesRules.pdf. There are 18 law schools in Jordan, but only four are public. HASHEMITE KINGDOM OF JORDAN MINISTRY OF HIGHER EDUCATION & SCIENTIFIC RESEARCH, http://www.mohe.gov.jo (last visited February 16, 2013). There is high competition for acceptance in public universities; thus, the grades for the students accepted are still higher than the minimum. The University of Jordan is especially competitive: students accepted there have higher grades than those accepted to the other public schools. However, public law schools do accept some students out the scope of competition for several reasons such as for enrollment in the parallel program, where universities accept students with lower grades for more expensive tuition fees (this trend has been followed as one of the solutions to the financial crisis of public universities). Another reason for accepting students with lower grades is because of a privilege such as army, Royal Court, and Tribal or because the student hails from a less fortunate area. See The Bases for Accepting Students at Jordanian Public Universities for the Year 2012-2013, supra.
himself in the eyes of his peers, broadens his or her own horizon, and advances his career. In sum, developing ways by which a professor teaches law is ultimately a matter of professional development and satisfaction that benefits the teacher in addition to the good it brings to many students lives.

Critchlow:

What have you observed in Jordanian legal education that makes you optimistic about the possibility for change?

Mahanseh:

A new generation of law professors is now assuming more and more responsibility in Jordan’s legal education process. These newer teachers seem to be trying to think out of the box and are already using more interactive teaching methods. Students are more often given assignments now, and problem-solving (rather than mere recitation of codes and legal principles) is sometimes included as the core of exam questions. New courses have been added to the curriculum at some universities, such as Legal Research and Writing, Juridical Applications, and Legal Ethics. These courses involve the teaching of practical skills and have therefore necessitated a change in teaching methodology.63

Most recently, clinics have started to emerge at some law schools, and skills are increasingly becoming a focus of education process.64 Further, some law schools in

63 For example, in 2008, the study plan for the Law School at Yarmouk University was amended to show that teaching Legal Research & Writing and Judicial Applications courses is now mandatory. See 2008 Study Plan for the Law School of Yarmouk University, available at http://admreg.yu.edu.jo/index.php?option=com_docman&task=cat_view&gid=149&Itemid=159. The University of Jordan has already added a Legal Ethics course in addition to the already-taught Judicial Applications course. See Study Plan for the Law School of the University of Jordan, available at http://law.ju.edu.jo/ar/arabic/Departments/DeptStudyPlans.aspx?DeptName=
64 In 2012, for the first time ever in Jordan, an accredited public legal education clinic was established at the law faculty in Yarmouk University, whereby clinic students have become exposed to new skills relating to public presentations, group work, legal ethics, legal research, and interactive methods in delivering their presentations to
Jordan try to benefit from the practical experience of lawyers and judges alike by inviting them to teach at least one course during the semester, especially the Judicial Applications course.65

Change, it seems, is now imposing itself. Indeed, some law schools have concluded that change is necessary as a matter of institutional policy.66 It should be acknowledged that effective reform must be a continuous and systemic process motivated by institutions, not merely incidental to the individual initiatives of a few professors. We need to see more interactive teaching methodology within our classrooms as part of an integral, comprehensive, and well-institutionalized law school reform policy. Furthermore, curricula must be reformed to allow for training in important skills such as negotiation, interviewing, drafting, and advocacy. Skills-related exercises in the legal education process should not be seen or treated as a supplement

public. For more information, see Yarmouk Legal Clinic, YARMOUK UNIVERSITY, http://lawfaculty.yu.edu.jo/LawClinic/tabid/90/Default.aspx (last visited Feb. 16, 2013). The Law School at the University of Jordan has two unaccredited legal clinics. The first clinic focuses on Refugees’ Rights (IRAB); here, the students interview victims, document human rights violations, and obtain training on some legal skills. This clinic started in 2009 and is partnered with Yale University. Interview with Dr. Mahasnen M. Al-Jaghoub, Head of Public Law Dep’t, Univ. of Jordan, in Amman, Jordan (Feb. 6, 2013). The second clinic concerns public legal education and building lawyering skills; the students work in the field of human rights with Mezan, an NGO. ABA Jordan supports both public legal education clinics at Yarmouk and University of Jordan. See ABA Quarterly Report (2012) (unpublished report) (on file with the ABA office in Amman, Jordan).

The challenges that face clinical legal education are the same all over the Arab world: the lack of experience, the negative law students attitudes towards their education, the fact that the concept of legal aid is still immature in Arab world, the large number of students in the classroom, the lack of interaction between law schools and civil society organizations, the Bar laws that prevent students from representing clients before courts, the lack of financial support, and lastly, the fact that clinical work at the law school constitutes a large burden on the shoulders of students and professors in terms of effort and time needed. See Fayze Mohammad, Clinical Education 17-18 (Oct. 22, 2011) (unpublished manuscript) (on file with author).

65 For example, at Yarmouk Law School, a retired judge and current lawyer teach the Judicial Application Course during the summer semester. In fact, the School invites lawyers and judges to teach so-called practical courses on an ad hoc basis. Conversation with Dr. Ala’a Din Khassawneh, Dean Assistant, Yarmouk Univ. (Feb. 11 2013). At the University of Jordan, the trend has been to benefit from the practical experience for judges, with more than one judge teaching every semester at the law school on a regular basis. Conversation with Dr. Mahasnen M. Al-Jaghoub, Head of Public Law Dep’t, Univ. of Jordan, in Amman, Jordan (Feb. 6, 2013). The same trend is seen at Al al-bayt University. Conversation with Professor Maisa’a Baidoon, law professor and Dir. of Legal Affairs at Al al-Bayt Univ., (Feb. 8 2013).

66The University of Jordan Faculty of Law is currently in the process of changing its curriculum, equipping its classrooms with modern technology, and collaborating with the American Bar Association to develop new and improved teaching strategies.
to the old classical style of lecturing, but rather as teaching tools that allow students to infer and apply general legal theory.

**Critchlow:**

If it is possible to generalize about gender, is there any difference between female and male law students in terms of engagement in the education process? I ask this question because there is a perception or belief on the part of some Americans that women in Islamic cultures, including Islamic American women, are not encouraged to be assertive and outgoing.

**Mahanseh:**

Our female law students tend generally to score higher grades than their male counterpart, and they do, in fact, demonstrate an interest in active classroom engagement. Moreover, female students have proved to be excellent at extracurricular activities, such as Moot Court competitions, Legal Research and Writing competitions, and others. I do not see any cultural dilemma facing females studying law or actively participating at classrooms. From my own experience in the clinic I am running, I dare say that female law students are doing a much better job than male students.

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67 The number of female students at the University of Jordan law school is greater than males; the total number of law school students is 1209, 634 of them are female. Interview with Dr. Mahasnen M. Al-Jaghoub, Head of Public Law Dep’t, Univ. of Jordan, in Amman, Jordan (Feb. 11, 2013). However, the total number of students at Yarmouk Law School is 990, but only 288 of them are female. Interview with Mr. Hattem Al-Shraideh, Dir. of Admissions Dep’t, Yarmouk Univ. (Feb. 11, 2013).

68 ABA conducted six Moot Court competitions between the years 2007-2012 with topics including international trade, environmental law, trafficking and human rights. The majority of law schools in Jordan have participated in the competitions which all took place at the Palace of Justice in Amman. Moreover, in 2008, 2009, and 2012, the ABA has conducted Legal Research & Writing competitions, all in the field of human rights. LRW competitions were conducted in partnership with the National Center for Human Rights in Jordan. Female students achieved excellent results and won most of the time. See ABA Quarterly Reports (2007-2012) (unpublished reports) (on file with the ABA office in Amman, Jordan).
However, it is worth mentioning that the presence of female law professors in Jordan is still rather limited. When I joined Yarmouk Law School back in 2001, I was the first Jordanian female law professor to be appointed in a law school. Since then, a limited number of female professors have joined Yarmouk and other law schools. Indeed, some law schools do not have any female professors at the present time. Here, I may buy into the cultural dilemma issue, as being a law professor requires, naturally, travelling abroad to study. Clearly, some families in Jordan still resist their daughters’ desire to do so. Sometimes, husbands may find it hard to accept this choice for their families.

Mahasneh:

Why do you think it is so important for Jordanian legal education to change?

Critchlow:

I do not pretend to be an expert on legal education in Jordan. Nor do I believe that legal education in Jordan should replicate legal education in the United States. There are significant differences in education models, traditions, and expectations. Jordan’s model for legal training is a course of undergraduate study followed by a required two year apprenticeship. This is similar to the model of legal education used in many countries, including Europe and Asia. There is no reason, in principle, why this approach should not produce competent lawyers.

However, the concerns that you have expressed in answer to my earlier questions are echoed by many of your colleagues, by Jordanian lawyers such as Mr. al-Bashir, by law faculty deans, and by law students. Educators throughout the world

increasingly recognize that passive learning is not the best mode of education if the goal is to teach critical thinking and problem-solving skills.

The dominant use of lecture in Jordanian law faculties would perhaps be less problematic if the required two-year apprenticeship following law school was an effective, consistent, and reliable means of insuring that students learned necessary lawyer skills. But this is apparently not the case. In any event, the ideal education model would aim to combine a variety of ways to actively engage students in the classroom coupled with opportunities to practice in the context of clinics, externships, and apprenticeships.

**Mahasneh:**

I do not want to underestimate the influence of globalization. In fact I have alluded to this previously. But my question here is: what makes you feel that a set of skills needed for an American lawyer practicing within a large, federal multi-jurisdictional nation should similarly be learned by a Jordanian lawyer practicing in a relatively small, single jurisdiction country? I mean, why bother getting into the expense and complications of interactive teaching methods, clinical education, and other aspects of legal education reform?

**Critchlow:**

Let me be clear about my reason for participating in this discussion. It is not to comment on or dictate the substance or content of core legal education in Jordan. While you are intimately familiar with Jordanian legal education, Jordanian law, and the Kingdom’s economic and social needs, I am not. For example, I cannot speak to the question of whether or not there should be more or less emphasis on commercial law, more or less emphasis on criminal law, or procedural law, or the law of Sharia. I leave that to expert professors, lawyers, and government officials in Jordan. The thrust of our discussion, on the other hand, relates to the methods and techniques by which students are trained to be lawyers, and the skills necessary for practice. The learning
theory and suggested teaching strategies cited throughout this article are based on empirical studies and observations of higher education learning in general. It is not specific to American legal education or law practice in the United States. What is common to legal education throughout the world, especially a world that is so connected economically, diplomatically, and environmentally, is the need for lawyers who can think deeply and critically, communicate effectively, and solve problems. These are skills that cannot be taught through passive means alone – whether in the United States, Jordan, or anywhere else.

I believe the Heshemite Kingdom of Jordan is moving intentionally and seriously toward more democratization, toward more reliance on the rule of law, toward greater respect for human rights, and toward more commerce with regional and global economic interests.\(^7\) If Jordan is to continue down this path, it is essential it has lawyers at every level of society who are skilled, confident, and competitive professionals -- professionals who can make deals with skilled lawyers at home and abroad, professionals who understand and advocate for the rule of law, and professionals who can thoughtfully guide the government through the maze of inevitable challenges it will face in its transition to a modern democracy and vibrant economy.

With respect to the expense of education reform, much innovation can be accomplished cheaply and quietly. Academic freedom is a much prized aspect of a professor’s life in Jordan, much as it is in the United States. One of the benefits of academic freedom is the ability to foster innovation designed to meet the challenges of an evolving society. Any professor can choose to adopt and implement new and different teaching goals, new and different teaching methods, and new and different assessment practices. The change need not be radical, costly, or time-consuming. A professor can commit to something as simple as more structured classroom discussion, more writing assignments, an occasional problem-solving exercise, or a collaborative

\(^7\)See generally supra, note 3.
simulation exercise. Students can be given some limited choices among assignments. Some assignments could be conducted outside the classroom and self-assessed or assessed by student partners. Even if the classroom or law faculty is not equipped for easy access to the internet, professors can ask students to communicate with one another or conduct research on personal computers at home. The point here is that individual professors should not be enslaved by tradition or habit. They can experiment, innovate, and explore new ways of engaging students and improving learning. As you mentioned earlier, they will be recognized and applauded by students and peers for doing so.

**Mahasneh:**

Having become acquainted with the obstacles to reforming teaching methods in Jordanian law faculties, I would like to hear your perspective on how they might be overcome. For example, I have just started my second semester at the University of Yarmouk and found that my Legal Research and Writing class has an enrollment of some 80 students. Admittedly, this is not deemed a theory-based course, but some of my colleagues are facing the same class size in pure theory-based courses. With this said, how would you sell your ideas of legal education reform in Jordan?

**Critchlow:**

This is an excellent question because it really gets to the heart of the issue. How can we engage students and be creative teachers in classes with large enrollments? The challenge is exacerbated when the professor is burdened by a heavy teaching load and other responsibilities that limit his or her time.

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71 Professor Gerry Hess, co-director of the Institute for Law Teaching and Learning, emphasizes that professors should start slowly to introduce new teaching methods into their classes. He recommends that a professor use one new and different active learning technique every semester. After three years, the professor will have at least six different techniques to employ in an effort to keep students actively engaged. (Conversation with Gerry Hess on February 27, 2013).
Large classes are not uncommon in American law schools. I have frequently taught classes with up to eighty students. As we discussed, there is a natural tendency for busy professors to simply lecture because it seems more efficient and because it conforms to tradition – it is the way we professors were taught when we were in law school. Nonetheless, in my own teaching I have discovered that there are several ways to create more intimate and meaningful learning experiences for large enrollment classes. The key to doing so is to take periodic breaks from lecturing during which time students are given brief activities that allow them to learn through discussion and reflection. One variation of this approach is called “pair and share” where students are asked to pair up or divide into small groups to discuss a particular problem. One professor who uses this technique reports that the “classroom is immediately bursting with 50 conversations ...Having rehearsed and shared their ideas in friendly, intimate small groups, they [the students] emerged energized and a little more confident about sharing an idea with the larger group.”72 A professor might add to or vary this activity by asking students to take a minute or two to write down a response to a question posed by the professor and then share and discuss the response with another student in a “pair/share” activity.73 When students are divided into groups for purposes of working on an exercise or discussing a particular problem, it is useful to have the small group report back to the larger group and have the groups’ responses listed on a board or flip chart. Of course, the professor is free to comment on the responses and draw the class’s attention to points that are especially salient for purposes of achieving the objectives of the particular class.

It is also possible to divide large classes into groups with the expectation that each group will meet outside of class to work on an assigned exercise or problem. The professor should provide clear guidance as to objectives, expectations, time commitment, and how the activity will be assessed. When I use this activity, I typically have student groups prepare a presentation to the larger class. The presentation can be

72 GERALD HESS, STEVEN FRIEDLAND, MICHAEL SCHWARTZ & SOPHIE SPARROW, TECHNIQUES FOR TEACHING LAW 2 132 (2011). The example is a contribution to this book by Professor Charles Calleros.
73 Id.
the subject matter for questions and comments from both the professor and the rest of
the class. Small groups or pairs of students can also be assigned problems or
exercises to work on inside or outside class coupled with an expectation that students
will assess each other based on a rubric provided by the professor.

Students can be given opportunities to engage subject matter by “focused
writing” on particular questions or problems strategically and periodically posed by the
professor during class. While it may not be practical for the professor to assess or
provide feedback on each student’s writing, professors can ask students to collectively
discuss the problem, identifying and explaining how and why they wrote what they did,
and using the collective responses to create a model answer or outline for analyzing the
particular problem. The model answer or outline can then be used by each student to
assess his or her individual writing.74

These and a range of additional active learning techniques can be adapted for
use in large classes.75 The benefits are multiple: students become excited, animated,
and focused; the professor learns how much students understand about a particular
topic and what about the topic interests them most; students take responsibility for
their own learning in a way that increases confidence, enjoyment, and self-esteem;
students experience relating to fellow students in positive ways that build community;
and professors get a welcome break knowing that learning is still taking place.76

Of course, technology can also be incorporated to provide variety, engagement,
and stimulation in large classes. I am aware that Jordanian law schools are not always
equipped with computer technology in the classroom. Also, not every student owns a
laptop or has access to a home computer. When it appears that students do have
meaningful internet access, professors can use a range of computer-based techniques
to enhance learning in and out of the classroom. These include communication by

74 Id. at 188.
75 See generally id. See also, Robert K. Thyfault and Kathryn Fehrman, Interactive Group Learning in the Legal
Writing Classroom: An International Primer on Student Collaboration and Cooperation in Large Classrooms, 3
JMARU 135 (2009)
76 Id. at 134.
email, student created blogs, computer assisted legal instruction (CALI) practice exercises, and course webpages that facilitate group communication, content delivery, online class sessions, practice tests, and student surveys. With appropriate technology, professors can also vary instructional delivery in the classroom with the use of PowerPoint presentations, videos (including films), and internet investigation and research.  

**Conclusion**

Clients need lawyers who can think critically and solve problems. Jordan needs creative and skilled lawyers who are able to contribute to governmental and societal change, and who can effectively operate in the national and international systems of law and commerce. Learning theory informs us that students become more competent in these skills when they are given opportunities to apply theory and engage in learning that is active, varied, and collaborative.

Effective learning involves discussion, simulation, trial and error, and reflection as well as listening. Any professor who wishes to facilitate deeper learning should be able to identify simple teaching techniques that are easy to implement in both small and large classes. Faculty who want to innovate and explore different ways of teaching can share ideas and foster discussion about teaching and learning theory among the general faculty. They can also seek support from administrators in finding ways to change the teaching culture and reward professors who show an interest in improving their teaching. Efforts to do so will undoubtedly redound to the benefit of both professors and students.

**Postscript**

It is the authors’ intention to have this article available in Arabic for Arabic speaking law teachers in Jordan and elsewhere. It is also being published in English for

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77 *Id.* at 53-80.
English speaking legal educators and legal professionals who may be interested in Jordanian legal education. The authors hope that Arabic law professors, in particular, will advance and continue the conversation about how best to improve law teaching and student learning in Jordan and the Arab world.