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Reflections on Good (Law) Teaching

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REFLECTIONS ON GOOD (LAW) TEACHING

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As I enter my tenth year of teaching doctrinal law¹ and my fifteenth year in the classroom,² it seems like a good time to stop and reflect on what I have learned about teaching. The time seems especially right because I have just had the opportunity to sort through my mother's writings. My mother, an English professor, was a gifted teacher of composition and literature at a teacher's preparatory college. During a forty-year career, she helped to prepare thousands of students to become teachers. When she died, she left some unfinished essays on teaching.

As I read those manuscripts, I thought about how applicable my mother's ideas were to my own teaching experiences. Many principles of good teaching are universal and can be adapted to a particular discipline or education level.³ Although we may not want to admit it, teachers at all levels face many of the same challenges. For example, we seek to teach students to think critically and independently, and we employ some of the same pedagogy to achieve those goals. I decided to draw upon some of my mother's ideas and add my own to come up with some principles of good law school teaching.⁴

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2. I taught in and directed Vermont Law School's Legal Reasoning, Writing and Research Program, and I taught business law to undergraduates at Loyola University of Chicago. I have received awards for excellence in teaching at the college and law school levels.

3. See generally Jennifer L. Rosato, *All I Ever Needed to Know About Teaching Law School I Learned Teaching Kindergarten: Introducing Gaming Techniques into the Law School Classroom*, 45 J. LEGAL EDUC. 568 (1995) (discussing the gaming techniques of "combining education and play").

4. See William L. Prosser, *Lighthouse No Good*, 1 J. LEGAL EDUC. 257 (1948); Kent D. Syverud, *Taking Students Seriously: A Guide for New Law Teachers*, 43 J. LEGAL EDUC. 247

PRINCIPLE ONE: "ONLY CONNECT"⁵

The heart of teaching lies in the student-teacher interaction. Students crave time and attention. They want their teachers to care about them as students and as people. One master teacher summed up student perspective: "The teacher has to be interested in me, me, me!"⁶

Yet many college and law school teachers lament that even though they try to be accessible, students do not approach them with questions. One of my colleagues commented that his office hours can be the loneliest time of the week. The reasons for this apparent contradiction may rest on students' perceptions of their teachers. Many students look at the imbalance of power in the relationship and are reluctant to take the first step in forging a relationship.⁷ It is left to the teacher to do so.

A few simple gestures on a teacher's part can go a long way toward showing that interest.⁸ The student-teacher interaction begins on the first day of class and, if the teacher is lucky, will extend well beyond the end of the course. I ask my Torts students to introduce themselves on the first day of class and to tell us one interesting thing about themselves that has nothing to do with law. I have many motives for doing this. First, it tells me something about each student as a person. I learn who has played in a band, who has five children, or who has gone to medical school. I also can get a quick snapshot of a student's personality by what she chooses to talk about and how she presents herself. It also gives me a shorthand way to remember some students: "Oh yes, the oboist." Second, it reminds the students that they have identities

(1993); Douglas J. Whaley, *Teaching Law: Advice for the New Professor*, 43 OHIO ST. L.J. 125 (1982).

5. See E.M. FORSTER, *HOWARDS END* (Signet 1992) (1910).

6. Conversation with Winifred A. O'Toole, Teacher, in Chi., Ill. (Sept. 1987) (notes on file with author).

7. See Thomas L. Shaffer & Robert S. Redmount, *Legal Education: The Classroom Experience*, 52 NOTRE DAME LAW. 190, 191 (1976) (stating that "[t]he student can never know what the professor knows and the student will carry into his life as a lawyer a conviction that he will never know that much").

8. Of course, student-teacher interaction is not confined to the classroom. The relationship requires teachers to have time for their students. Often, it is not easy to find time outside the classroom, but we must make it. I remember sitting in my Torts professor's office almost every Friday afternoon during my first year of law school. I would drop by during his office hours with a Torts question which was a pretext for more far-ranging conversations. His counsel about law school, careers and life reflected the individual interest that he took in each student as a person. The importance of reaching out to get students to interact may be even greater today at many colleges and law schools due to the decline in the caliber of students. This contact is essential as professors work with students who were in the bottom half of their high school or college classes.

and lives outside of law school. Third, it helps students to connect with each other. They find others with common interests, and real friendships develop. Fourth, it forces everyone to talk on the first day of class. That way, when students are called on later to discuss a case, the experience of talking in class may be less intimidating. Finally, these introductions send a message to the students about how I view them. They are more than the anonymous faces in a room; they are participants in a cooperative endeavor. After that first class, I try to get to learn students' names as quickly as possible.⁹ It helps that the introductions have given me an additional association for each of them. It is amazing how many students appreciate that simple acknowledgment of them as individuals.

The student-teacher interaction is a two-way street. In addition to our interest in the students, they are interested in us. In the first year of my mother's teaching career, she wondered aloud why the students were so interested in finding out about her background. A senior colleague explained that the students were learning more than the course material; they were studying her as the teacher.

This is particularly true in the law classroom. As students begin to shape their own careers, they look to their professors for advice and guidance. Students evaluate how we have chosen to live in the law. Lawyers can wield a great deal of power in society, and students may look to how their law professors exercise that power in law schools as they seek models for their own behavior. Our level of respect for students, our interaction with staff members, and our relationships with colleagues and administrators can serve as either positive or negative examples for students. Some students reject the paths that we have chosen, and others seek to emulate us. Both are responses to our choices.

Most of our students will not choose the same career path that we have taken. The majority will practice law for the foreseeable future and, for various reasons, we have decided not to do so. These different choices do not necessarily divide students and teachers. Instead, our decisions can open up a dialogue about professional options and how to balance work, family and the rest of life.

Since students already are studying us in the classroom, it helps for them to see us as people as well as professors. The amount that we choose to reveal about ourselves will depend on a number of variables. Our individual personalities, the class's personality, and the class size and level all contribute to this choice. Every professor will draw professional lines in different places,

9. See Gerald F. Hess, *Listening to Our Students: Obstructing and Enhancing Learning in Law School*, 31 U.S.F. L. REV. 941, 953-54 (1997).

and students can benefit from seeing where different professors draw those lines.

At one end of the spectrum are law professors who cultivate the role of the professor as a remote, omnipotent entity.¹⁰ The professional distance that the professor puts between himself and his students allows them to observe him from afar. At the other end of the spectrum are professors who open their lives to students. Students are encouraged to telephone them at home, and professor and students frequently socialize together.

The related issues of the professor's authority and student respect arise at both ends of this spectrum. Commentators have expressed concern about the power imbalance created when the professor remains aloof from students.¹¹ Conversely, concerns about undermining the professor's authority and student respect can arise when professional boundaries disappear.¹² Most of us fall somewhere in the middle of the spectrum. As a college professor, my mother was personal in the way that she wove stories of her life into her teaching but insistent that students remember that she was their teacher and not their friend.¹³ I keep many aspects of my personal life private, but I am happy to share my struggles as a law student and as a lawyer with students.

At several different points in my Torts course, I share with students some of my classroom experiences from the first year of law school. Usually, these talks take place at certain milestones in their first year, such as the date the first legal writing assignment is due. Sometimes, however, they occur when we have ten minutes of class left on a Friday afternoon. As I look out at the tired faces, I make a strategic decision that this is not the best time to begin discussing *Palsgraf v. Long Island Railroad*.¹⁴ Instead, I talk about how every Friday during my first semester I assessed whether becoming a brain surgeon would be a preferable, and easier, alternative to law school.

I also regale them with stories of a law school classmate dubbed "Stackman" because of his propensity for locking himself into the library stacks when they closed so that he could study uninterrupted all night. These "perspective" talks help to reassure students that I struggled during law school

10. See Susan B. Apel, *Principle 1: Good Practice Encourages Student-Faculty Contact*, 49 J. LEGAL EDUC. 371, 372-73 (1999) (discussing the difference between high- and low-interactive teachers).

11. See, e.g., *id.* at 377.

12. See John W. Teeter, Jr., *The Daishonin's Path: Applying Nichiren's Buddhist Principles to American Legal Education*, 30 MCGEORGE L. REV. 271, 276 (1999) (asking "Does this mean we should endeavor to be our students' friends? Yes, with the explicit recognition . . . that a true friend should . . . offer sincerely felt criticisms.").

13. "Remember, friends do not grade their friends at the end of the semester; you do grade your students." Syverud, *supra* note 4, at 253.

14. 162 N.E. 99 (N.Y. 1928).

too, and give them hope when they realize that they are not nearly as far gone as Stackman was. When I talk to alumni at reunions and other events, they often ask me about Stackman or remind me of advice that I had given long after they have forgotten the details of *Palsgraf*.¹⁵

PRINCIPLE TWO: DEMAND EXCELLENCE

Students should want to become good lawyers, and the teacher's job is to teach them what is required of a good lawyer. Students count on us to set the bar high because we are the ones who know what they need to know. Therefore, we should demand excellence in the law classroom. This means setting high expectations for ourselves and for our students and not settling for anything less.¹⁶ As a college composition teacher, my mother spent hours working individually with students on their writing. For many, the struggle to communicate in writing was compounded by the fact that English was not their first language. The college population that she taught was comprised of students of almost every nationality, many of whom had immigrated to the United States as adults. My mother's personal interest in her students' stories inspired some of them to write about their lives. Many of them later explained that her commitment to helping them improve their writing made them work harder and write better.

If we do not set high standards for ourselves, then students will soon learn that it is acceptable for them to settle for something less than their best as well. Of course, we will not meet our expectations every time we teach, but it is important that students recognize that we set equally high standards for ourselves as we do for them. When a class does not go well because I have tried to fit in too much material or I have lost sight of my objectives, I spend time afterwards thinking about how things got off track. In the following class, I may retrace my steps to cover the material again, or I may present the same material with a different approach. I believe that it helps the students to see that I am willing to work hard to improve, and I hope that it sends them a message about the value of trying to achieve their best.

Teachers who accept less than students' best efforts communicate the message that less is good enough. Not every student will be able to meet our high expectations, but we must require all of them to try. Most of us are inherently lazy, and students are no exception. If we accept merely adequate classroom performance, then students will settle comfortably into mediocrity.

15. See *Palsgraf v. Long Island R.R.*, 162 N.E. 99 (N.Y. 1928).

16. See Okianer Christian Dark, *Principle 6: Good Practice Communicates High Expectations*, 49 J. LEGAL EDUC. 441, 446 (1999) (discussing the need for law professors to "walk the talk").

When teachers allow students to “get by,” they send one of two undesirable messages: either classroom performance is irrelevant to being a good lawyer, or mediocrity is acceptable in the practice of law. Many students already believe that law school is simply a hurdle they must surmount before they can practice law. Our job is to show them that the skills of statutory and case reading, case synthesis, analytical writing and oral advocacy taught in many law classrooms are essential to their professional success. Furthermore, we must teach students about the effect of mediocre work on clients. The person who receives a reduced settlement in a medical malpractice claim because his lawyer did not do adequate discovery or the person who was deported because her lawyer did not make an effective legal argument at best are the victims of lawyers’ mediocrity.

The teacher must be willing to sacrifice popularity in pursuit of the demand for excellence.¹⁷ Students and teachers alike can easily mistake popularity for good teaching. All of us want our work to be well received, and we law professors, with our healthy egos, are no exception. We may grimace at Sally Field’s insecurity when she gushed in her Oscar acceptance speech, “You like me. You really like me,” but at the same time, we also understand that very human desire for approval. As teachers, we need to remember, however, that at the end of the semester, it is more important that we are pleased with the students’ performance than that the students are pleased with our performance.

Of course, it may be that a professor is popular because he or she is such a good teacher. For example, one of my most demanding colleagues is one of the most respected teachers on campus. Time and again, this same professor, who demands thorough class preparation and close case analysis in class, wins the outstanding teacher award from graduating students.¹⁸

However, this is not always the case. Sometimes, popular professors are those who entertain students during class or “spoonfeed” them by laying out black-letter law. They might win rave reviews from students who are delighted to listen to stories or copy down rules instead of having to conduct their own rigorous legal analysis. Although attractive in the short-run, these

17. Recently, a first-year student who had done reasonably well in my first-semester Torts course reviewed his exam with me. As we concluded an amiable conversation, he shook my hand and stated that he wished me well. When I responded that our paths probably would cross again in an upper-level course, he indicated that he would be staying far away from any other course I taught because I was simply too demanding in the classroom. I chose to interpret this as an unintended compliment.

18. This colleague, Jim Diehm, is also notorious for reading students the “riot act” during the first class. He informs students about his attendance and preparation policies and sets high classroom expectations from the outset.

approaches often do not stand the test of time. When alumni are polled about which teacher had the biggest influence on their career, it usually is someone who demanded more than the students thought they were capable of at the time.¹⁹ Only later, as practicing lawyers, do they appreciate how much that professor taught them and the value of what was expected of them.

PRINCIPLE THREE: BE YOURSELF²⁰

We need to find our voice and be comfortable with it.²¹ The classroom accommodates diverse teaching styles.²² Our style can reflect the subject matter being taught, our personality, and the students' learning styles.

My mother taught by telling stories. This anecdotal approach to teaching English literature enabled her to "give life to [her] recollection of people and events."²³ She determined that she learned best through stories and that her students could remember the lessons of her classes through lectures punctuated by stories. It worked for her and for her students. Many of them could relate to the literature they were reading through their own personal histories. As immigrants and outsiders, they identified with the characters of Isaac Bashevis Singer²⁴ and the struggles of Bigger Thomas in Richard Wright's *Native Son*.²⁵

As a law professor, I rely less on lecture and anecdotes and more on a structured dialogue with students. I use cases and hypotheticals to illustrate legal concepts, and I work on certain skills with students in every class. Although I illustrate certain points with anecdotes, the stories are not as central to my message as they were to my mother in her lectures. Again, that is a product of the differences between our personalities and our subject matter.

19. My colleague, Randy Lee, demands more from students than many think at the time that they are capable of giving. In hindsight, however, many appreciate his efforts. He was our campus's first recipient of the Teaching Excellence award given by alumni.

20. When I was preparing to interview for law teaching jobs, Professor Clark Byse of Harvard Law School advised our LL.M. class how to present ourselves for job interviews. He admonished: "Be yourself. Be your better self, but be yourself."

21. See Whaley, *supra* note 4, at 131-32.

22. See Douglas D. McFarland, *Self-Images of Law Professors: Rethinking the Schism in Legal Education*, 35 J. LEGAL EDUC. 232, 234-60 (1985) (discussing the various images and persona of law professors).

23. Mary Jane Kearney, *Ten Reasons for the Tired Teacher to Answer the School Bell*, (1989) (unpublished manuscript, on file with author).

24. See ISAAC BASHEVIS SINGER, *THE COLLECTED STORIES OF ISAAC BASHEVIS SINGER* (1982).

25. See RICHARD WRIGHT, *NATIVE SON* (1940).

So much of our teaching style is an extension of our personality. Some gifted professors display a comedienne's timing and outgoing personality; others combine scholarly reticence and subtle insights into a subject. One of my best professors in law school prepared for every class as if it were a Supreme Court argument.²⁶ He holed up in his office for hours before class, and his students followed suit in the library. Although other teachers were more entertaining, he won students' respect with meticulous preparation and commitment to the endeavor.

This exposure to different teaching styles can benefit students in at least two ways. First, it can address students' different learning styles.²⁷ For example, for students who are concrete thinkers, a problem-oriented approach may be the best way to understand complex material. When these students apply abstract concepts to specific situations, they can see how these concepts actually work. Second, the exposure to different teaching styles may help students to figure out their own lawyering styles. Some may emulate the teacher who commands a classroom in the way that they seek to take over a courtroom. Others may be drawn to a wry, self-deprecating style that will serve them well when their opponents consistently underestimate them. The style must suit the person, and each of us must find our own.

PRINCIPLE FOUR: HAVE FUN

This job is one of the best in the world for at least four reasons. First, we are learning new things all of the time. This is not so in many jobs. I had a series of mind-numbing jobs during my summers in college. One of them was to manually enter customers' bill payments into a computer for a large department store. I sat in front of a computer screen typing numbers for eight hours. I was lucky. At the end of the summer, I got to go back to school. My coworkers were not so fortunate. I now have a job where I always get to go back to school. I do not know what I will learn each day in the classroom, but I do know that the opportunity is there to discover a new way of looking at a doctrine or interpreting a case.

Second, we are among a few groups of people who get paid to be someplace we love. Let's face it: most of us liked school and did well at it.

26. Professor Kenneth Ripple of the Notre Dame Law School is now a judge on the United States Court of Appeals for the Seventh Circuit.

27. See Paula Lustbuder, *Principle 7: Good Practice Respects Diverse Talents and Ways of Learning*, 49 J. LEGAL EDUC. 448, 448-49 (1999) (discussing how diverse learning styles and forms of intelligence have a "significant impact on the learning environment"); Hess, *supra* note 9, at 941.

As teachers, we have the chance to share our enthusiasm about learning in an environment that we love.²⁸

Third, we get a fresh start every September. The slate is wiped clean when a new class enters, and we have yet another chance “to get it right.”²⁹ This may mean that we try new techniques or use different material, or we may do nothing differently at all. In any event, the struggles and frustrations of past years are forgotten as we survey the new crop of students. For a few weeks at least, anything is possible.

Fourth, an important corollary is that no class, even a problem class, lasts forever. This point is essential to remember as winter drags on, and spring looks like it will not arrive this year. No matter how bad things get in the classroom, the end mercifully comes. There is a rhythm to the school year with its beginning, middle and end. This cycle of renewal guarantees that there always will be another class and another chance.

If we enjoy ourselves, then students will too.

PRINCIPLE FIVE: HAVE GOALS

Having goals for the course as a whole and for each class session helps both teacher and student.³⁰ It forces the teacher to articulate what she hopes to accomplish in the short and long run. Once she has formulated those goals, she can then design a course or a class session to achieve them. Students also reap the benefits of a well-organized class. Once they understand the course and class goals, they can prepare to meet those expectations.

In formulating these goals, the professor should keep two things in mind. First, the professor should consider what skills she had in practice that made her an effective lawyer. The students will benefit from her imparting those skills to them. Second, the professor should determine which of these skills can be taught to the students through the material of this particular course. For example, students in an Advanced Contracts class may have a better opportunity to learn drafting skills than they would in a first-year Contracts class in which they are still learning basic doctrines.

It is important not to have too many goals in either a course or an individual class session. Students get frustrated and confused when the teacher is trying to do too much at one time. They cannot meet all of those expectations simultaneously and may end up learning less than they would

28. One of my colleagues, Michael Cozzillio, is known for his ability to convey his enthusiasm for teaching and the subject to students. His love of teaching is contagious, and his classroom is a lively place.

29. Kearney, *supra* note 23.

30. See Whaley, *supra* note 4, at 127.

otherwise. The teacher also gets frustrated because she is trying to fit too much into a session. She cannot teach anything well when she is trying to do four or five things at once.

This does not mean, of course, that a teacher cannot have multiple goals in mind as she develops her course. For example, a legislative drafting class might emphasize close statutory reading, careful drafting, and concise editing. The professor, however, probably would not work with students on all of these skills in a single class session. Students who tried to do all three at once would likely get overwhelmed and not do anything well.

Furthermore, it is important to work on the same skills repeatedly from class to class. This repetition reinforces for the students that this skill really matters and is an integral part of the course. Finally, students will be able to improve the most when they have the opportunity to practice the skill repeatedly.

PRINCIPLE SIX: TRY NEW THINGS

One of the joys of teaching is the endless variety of the classroom experience. We are free to experiment with different material and ways of presenting that material. As we master our subject areas, we can turn our attention to finding the best ways to engage students in those subjects.³¹ For example, we may ask students to ascertain the facts of a hypothetical by conducting a mock client interview. We might conduct oral arguments to have students address the constitutionality of a statute. Students in large classes can be divided into groups and asked to present or report their analysis of a particular issue. The possibilities are endless and are only limited by our imaginations.

The benefits of variety accrue both to students and teacher. The break in classroom routine for the student often brings relief from the sometimes tedious, traditional student-teacher dialogue. Of course, too many different experiments in one semester can send students a message of instability and can prevent students from getting good at anything in particular.

When these alternative forms of teaching are used selectively, however, they can engage all of the students actively in the learning process. This kind of involvement can promote more effective learning because each student is participating in the process.³² The break in routine also leaves a lasting

31. The classroom is "a laboratory for human relations, a place where, by demonstration and by hypothesis, the tenor and skill for dealing with human beings are relevant subjects for explication and testing." Shaffer & Redmount, *supra* note 7, at 218.

32. See Gerald F. Hess, *Principle 3: Good Practice Encourages Active Learning*, 49 J. LEGAL EDUC. 401, 401-03 (1999) (discussing how active learning teaches students to use higher

impression on students. Former students often remind me that the experience of drafting a complaint and answer and arguing a false imprisonment claim was a high point of their first semester in Torts class.

Teachers can benefit from incorporating new materials and techniques into their classroom. Like anyone, we get stale if we teach the same material the same way every year. A fresh approach to a case or concept can yield new insights into that material that we may not see if we look at it the same way every year. One of my colleagues recommends changing case books every year or two.³³ This solves the problem of students relying on class notes and course outlines from previous classes and gives the professor the chance to reshape his or her course frequently. I am wedded to my Torts casebook, however, and I am satisfied with the basic course structure. New hypotheticals and approaches to the material help to keep me excited about the subject that I have been teaching for ten years.³⁴

The fear of flopping in the classroom prevents many of us from experimenting with new techniques and materials.³⁵ Every experiment is not a success the first time that I try it. Sometimes this is because the idea or approach needs fine-tuning. I add a few notes to my course materials right after class to suggest improvements and modifications so that I will remember what to do differently a year later. Sometimes it is because the project was too ambitious and needs to be scaled back. My problem usually is that I try to do too much in a limited amount of time. Then, rather than doing anything well, I create confusion among students by cramming in too much.

Sometimes I even discard the entire approach and chalk it up to a failed experiment. When that happens, I try not to be too hard on myself. For students, the exercise may not have been a failure because they have learned something from it. When that happens, I hold on to the counsel that my mother received after a seemingly disastrous class during her first year of

cognitive skills, helps students to “grasp, retain and apply [the] content” of what they learn, sharpens students’ professional skills, and shapes students’ attitudes).

33. Dennis Corgill rotates casebooks in his courses to keep the material fresh and to prevent his students from relying on student outlines from past years.

34. One advantage of changing hypotheticals is that it keeps the course streamlined. When we are afraid to let go of old material, we layer new material on top of the old and do not eliminate any of it. After a few years of teaching, we end up trying to pack five credits of material into a three-credit course.

35. See Jan C. Costello, *The Law Professor as Student, or National Velvet, I’m Not*, THE LAW TEACHER, Spring 2000, at 1 (discussing the value of law professors trying to learn a new skill and becoming students again so that they can remember how it feels to struggle with learning something). See also Teeter, *supra* note 12, at 296 (stating that “Perhaps the biggest impediment toward developing our full potential as teachers is our fear of appearing as pretentious fools”).

teaching. An experienced teacher consoled her: "Just remember that you're never as good as you think you are, and you're never as bad." This is good advice on both ends of the spectrum.

PRINCIPLE SEVEN: SUCCESS RENDERS US OBSOLETE

Our job is to prepare our students for the practice of law. We know that we have done it well when students no longer need us to guide them through legal analysis because they can do it on their own. It may seem strange that our success can be defined as obsolescence, but nevertheless, this is what gives students their independence.

The process of helping students gain that independence takes place at all levels of teaching. The kindergarten teacher does it when she teaches her pupils the first skills of decoding as they learn to read.³⁶ The college professor engages in a similar task at a different level as she guides students through their first researched term paper. In law school, it is the moment when the light goes on in the students' heads that they take their first step toward independent analysis.

The process of guiding students toward that independence of thought is one of teaching's great challenges. On the one hand, students want the security that comes with "knowing the right answer." On the other hand, our job is to show students that there may be more than one answer.³⁷ In helping

36. In her writings, my mother describes the moment in the book, *Narrative of the Life of Frederick Douglass: An American Slave*, when Mr. Douglass learns to read. As a former slave and future leader of the abolitionist movement, he recognizes that the moment has transformed his life. FREDERICK DOUGLASS, *NARRATIVE OF THE LIFE OF FREDERICK DOUGLASS: AN AMERICAN SLAVE* (Deborah E. McDowell ed., Oxford University Press 1999) (1845).

37. In a famous essay about teaching law, Professor Lon Fuller wrote:

Herein lies a dilemma for student and teacher. The good student really wants contradictory things from his legal education. He wants the thrill of exploring a wilderness and he wants to know where he stands every foot of the way. He wants a subject matter sufficiently malleable so that he can feel that he himself may help to shape it, so that he can have a sense of creative participation in defining and formulating it. At the same time he wants that subject so staked off and nailed down that he will feel no uneasiness in its presence and experience no fear that it may suddenly assume unfamiliar forms before his eyes.

No teacher is skillful enough to satisfy these incompatible demands. I don't think he should try. Rather he should help the student to understand himself, should help him to see that he wants (and very naturally and properly wants) inconsistent things of his legal education. Much frustration will be avoided if the student realizes that an unresolved antimony runs through his education, and that this antimony cannot be resolved so long as men want of life, as they do of the preparation for life called education, both security and adventure.

Lon Fuller, *On Teaching Law*, 3 STAN. L. REV. 35, 42-43 (1950).

students grapple with multiple meanings each teacher must determine how to guide students through the process of legal analysis. Just like the fluctuating temperature of the porridge in *Goldilocks and the Three Bears*, which was either too hot or too cold, it is difficult to get the level of student-teacher interaction “just right.”

At one end of the spectrum is the danger of overintervention in which the teacher does the thinking for the students.³⁸ When the teacher substitutes her analysis for that of the students, the student loses the opportunity to gain the analytical skills necessary for independent legal analysis.³⁹ At the other end of the spectrum is the teacher who does not intervene in the students’ thought process at all. This teacher might accept any student comments as valid without testing their analysis.⁴⁰ In those cases, the students can gain the false impression that they are conducting rigorous legal analysis when they are not.

PRINCIPLE EIGHT: WE GET TO MAKE OUR MARK

This job carries awesome responsibilities. That is both the scary and the rewarding aspect of it. The chief responsibility is the professional and personal influence that we have on students.⁴¹ After my mother died, our family heard from dozens of her former students. Even though several had not spoken to her in thirty or forty years, they wanted to tell us about the influence that she had on their lives.

As law professors, particularly those teaching first-year students, we introduce them to the world defined by the language and culture of law. Their view of that world will be influenced in part by our perspective on it. When, as lawyers, they approach a legal problem, a problem that will have profound implications on their client’s life, these former students may do so in the way that we taught them. When they hold themselves out as lawyers, they may remember how we held ourselves out to them in the law classroom.

38. See Mary Kate Kearney & Mary Beth Beazley, *Teaching Students How to “Think Like Lawyers”*: Integrating Socratic Method with the Writing Process, 64 TEMP. L. REV. 885, 899-902 (1991) (discussing the need for legal writing professors to encourage students to assume responsibility for their own writing).

39. In his essay on teaching, John Teeter refers to the principle of “individual accountability;” the professor’s job is to guide the student, but the student must assume responsibility for his education. See Teeter, *supra* note 12, at 285.

40. This raises the age-old question in law teaching about whether a student answer ever can be wrong. The answer is that it depends on the question being asked. If the teacher is asking questions about what was said in a case or a statute, then a student can give the wrong answer.

41. See Syverud, *supra* note 4, at 259 (noting a colleague’s observation that “the biggest impact he will make on this world is through the students he teaches”).

One of my colleagues has observed that in a room of one hundred students, a teacher does not know whom she is affecting the most.⁴² Frequently, the alumnae who approaches us at a reunion is not the student who came to our office or tried to engage us in class. It is the silent, anonymous student who absorbs everything without us knowing it.

We may never know the effect that we have had on our students. When a tree casts its seeds upon the wind, some fall close by, while others go to unknown places. The tree knows though that because of its seeds, there will always be more trees. So it is in teaching. We cast our seeds and wait for the trees to grow.

42. Conversation with Randy Lee, Professor, in Harrisburg, Pa. (Aug. 2000) (notes on file with author).