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# TEACHING TEACHERS ABOUT TEACHING STUDENTS

DAVID M. BECKER\*

Teachers are accustomed to teaching students, but experienced teachers must also teach teachers. In some instances, law professors are asked to visit and evaluate the classes of non-tenured colleagues. Often evaluations include advice that is intended to improve the subject's teaching, and this advice may be the most important component of the total process. More often, perhaps, law professors are asked to mentor young colleagues by the school's dean or directly by the young colleague herself. Inevitably, such mentoring involves guidance respecting the production of scholarship, but it almost always includes instruction about teaching.

What is it that one teacher can and should convey to another, especially when classroom observations suggest problems and a real need for improvement? The temptation is to say: "Come watch me and do as I do." Yet even when the recipe for success is not this brazen, the package of advice may amount to the same thing, especially when it is replete with specific instruction that invariably begins: "Here is the way I would do it." Yet is "do as I do" ever a sound approach? If not, what is? Are there any constants to a wise approach to teaching teachers about teaching students? What are the ingredients of successful teaching and can they be taught?<sup>1</sup> This essay examines these questions and attempts to identify some of the things that one may do to improve teaching, at least around the edges.

## I. CAN SUCCESSFUL AND EFFECTIVE TEACHERS BE TAUGHT OR MUST THEY BE BORN?

My recollections as a student a long time ago and my professional experience as a teacher suggest that effective teachers come with a variety of styles and personalities. There is no one model for success that everyone must copy. I have observed both effective and ineffective

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1. There has been a significant amount of literature that has been written on the ingredients of effective teaching. *See, e.g.*, JAMES H. STRONGE, *QUALITIES OF EFFECTIVE TEACHERS* (2002); PAUL CHANCE, *THE TEACHER'S CRAFT—THE 10 ESSENTIAL SKILLS OF EFFECTIVE TEACHING* (2008); *EFFECTIVE TEACHING: CURRENT RESEARCH* (Hersholt C. Waxman & Herbert J. Walberg eds., 1991). Although much of this literature is directed primarily at elementary and secondary school teachers, these books do offer themes similar to the ones discussed in this essay. *See* STRONGE at 13–24.

teachers in law school who either lecture all of the time, most of the time, or some of the time. I have also observed both effective and ineffective teachers who use versions of the Socratic method all of the time, most of the time, or some of the time. I have known effective teachers who, outside of the classroom, are outgoing, engaging, articulate, and friendly, but I have also known ineffective teachers with the same personality. Further, I have known effective teachers who, outside of the classroom, are reticent (even to the point of not speaking unless spoken to), distant, uninteresting, and inarticulate in casual speech, but I have also known ineffective teachers with the same traits. In short, I am often surprised by the lack of correlation between a teacher's persona and effectiveness inside and outside of the classroom.

Nevertheless, even though I am unable to predict teaching efficacy based upon personalities I observe outside of the classroom, I am confident that I know excellent teaching when I see it.<sup>2</sup> This is probably true for other observers as well, among both teachers and students. To be sure, even though the best teachers have critics in addition to advocates, there is usually a consensus over time among students and faculty observers. Effective teaching, therefore, is clearly recognizable. Yet what are the ingredients one observes that confirm its existence? If classroom styles and methodology, and personalities within and beyond the classroom, can differ markedly are there consistent ingredients of effective teaching that one can readily identify? Or are we simply left with an end product that we know exists when we see it?

Two stories involving young colleagues of mine come to mind. The first concerns a man who was struggling with his student-teaching evaluations. He desperately wanted to improve, and strongly believed that if the consumers were unhappy with his product he did not want to continue as a teacher. He asked me to attend some classes. I observed interactive engagement with students that might be described as a gentle version of the Socratic method. His questions were stated with care and

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2. For an article that carefully and thoughtfully examines the human factors that affect student evaluations of teachers and, in light of these factors, presents some recommendations for improved methodologies for assessing teacher performance, see Deborah J. Merritt, *Bias, The Brain, and Student Evaluations of Teaching*, 82 ST. JOHN'S L. REV. 235 (2008). More specifically, Professor Merritt observes that nonverbal behavior—such as gestures, voice tones, and facial expressions—and stereotyping profoundly shape student evaluations. See *id.* at 241–53, 261–70. Further, she maintains that there is little correlation between impressions formed by these factors and actual student learning. See *id.* at 270–75. As a result of this article, I am much more cautious in proclaiming that I always know a good teacher when I see one. Mainly, I am reluctant to reach a conclusion without at least a week of classroom observation and a thorough discussion of a teacher's objectives.

clarity and so were his hypotheticals. He listened carefully to student answers and followed up with other questions that were spontaneous and truly responsive. During the course of the hour he involved and integrated numerous students, and periodically punctuated his remarks with useful summaries. I took copious notes that reflected primarily his orchestration of the class instead of the substance of the material covered in his course on criminal law. After a week of classes, I reviewed these notes carefully. I shared them with another colleague who was an accomplished teacher. This colleague liked what he saw based upon these notes. Nevertheless, I recognized that what I objectively recorded belied my ultimate impression. Something important was missing. Indeed, the student reaction to his teaching was clearly understandable. This teacher made further attempts to rectify the problem, utilizing many suggestions of his experienced colleagues. Unfortunately, his student evaluations did not improve and so he left teaching.

My second story involves a beginning teacher who asked me to mentor her and help guide her through the tenure process. Our time together focused on both scholarship and teaching. Her early student-teaching evaluations were lukewarm, but were improving each semester. In approximately her fourth year of teaching she asked me to help locate an excellent acting teacher that might reshape her into the image she had of an effective teacher. That image was formed by her past experience as a student, as well as by a speaker she had recently heard. This speaker's command of language, her manner of speaking, and her persona were something she wanted to emulate. I asked to visit her class, which I had done each previous year, before she commenced any makeover of her classroom appearance. I then visited an entire week of classes in her course on civil procedure. I immediately liked what I saw. Her classes were not tightly organized nor was her discussion of cases regimented, but she was in control. She moved among the students with questions almost effortlessly. The class was attentive and fully engaged. She displayed both pleasure and displeasure with student responses. For example, when one student stumbled with an easy question she replied: "John, how could you do that to me after all of the time we spent going over and over that principle?" This was said with a warm smile and without any semblance of a chilling effect on John or any others within the classroom. It was evident that she commanded both trust and effort, and I was impressed. Somehow, I knew that I was observing a very good teacher in the making. As a result, I urged her to remain true to herself and stay the course.

Afterwards I thought a lot about these two teachers. My orchestral notes on the first suggested excellent teaching. If I had done the same for

the second, I might have concluded that she had to make major changes to improve. Yet I would have been wrong in both instances. The second teacher had something that the first did not. Simply stated, she had the ability to connect with her students. There was positive chemistry throughout her classroom. It was something intangible, something not easily described or replicated. But she clearly had it and he did not. This kind of chemistry exists for nearly all effective teachers. Often it reflects the presence of a likeable teacher, but sometimes it does not. Surely each of us has known extremely effective teachers who were not especially likable yet were able to challenge their students in ways that forced them to learn and think—indeed, teachers who may not have been fully appreciated until years later. Conversely, many of us have known likable teachers who were unable to inspire and educate. Nevertheless, teachers who succeed have a positive chemistry with their students.<sup>3</sup>

One should never underestimate the importance of this chemistry because eventually it colors a teacher's reputation in ways that are difficult to overcome. Those who have it begin each class with positive expectations among their students, and those who do not must overcome negative impressions derived from the past. Absent dramatic problems in a particular course, those who have this chemistry achieve consistently good student evaluations, even though their actual performance may not always be consistent. But those who do not have this chemistry often find it difficult to reach their students successfully, despite repeated attempts to increase effort and alter technique. In short, chemistry—positive or negative—can make or break a teacher's reputation and ultimately even their career.

Given the importance of this chemistry, what can be done objectively to affirm or disaffirm its presence? What are its components? More important, what can be done by way of instilling this chemistry in a teacher without it? Perhaps the answer to the last question is “nothing,” because it reflects human qualities with which people are born. Surely this response is disconcerting for teachers who must instruct other teachers. Presumably, a successful teacher should be able to teach most anything, especially when the students consist of very bright subjects already within the academy of teachers. One can begin to lay out all kinds of human characteristics and abilities that often accompany this chemistry; for example, the ability to communicate clearly, and the ability to challenge

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3. Educators have described positive chemistry—although not necessarily in these terms—especially when they identify the personal qualities of an effective teacher. *See, e.g.*, STRONGE, *supra* note 1, at 13–24.

students' intellect and even to inspire them. But how does one accomplish the task of teaching this to others? Many of the important components of positive chemistry may ultimately be impossible to teach because they are too closely connected to personality. This essay, however, makes the assumption that there are some things that can be taught, at least those components that exist around the periphery of successful chemistry. The purpose of this essay is to identify and discuss some of the factors that might lead to more effective teaching, and it is cast in the form of my advice to teachers who want to improve.

## II. SOME INGREDIENTS OF EFFECTIVE TEACHING THAT CAN BE LEARNED

### *A. Several Caveats*

This discussion must begin with several caveats. First, the suggestions that follow are really only appropriate for someone truly dedicated to and enthusiastic about teaching. Nearly all of these suggestions involve time, which can diminish opportunities for scholarship and other things. Indeed, if unchecked, students can be all consuming and so one must strike the proper balance. Nevertheless, one must recognize that successful teaching requires time; perhaps more than one has become accustomed to giving.

Additionally, real commitment requires enthusiasm. This is something that cannot be faked because students will know an act when they see it. In short, one must be truly serious about achieving improved teaching with a commitment that is patently genuine. If one cannot say this about himself or herself, then I would read no further.

Second, these suggestions do not involve a personality makeover. Certain personalities lend themselves to effective teaching, while others do not. Yet effective teachers are replete with exceptions to such generalizations. Most important, however, one cannot expect teachers to produce major personality conversions as a requisite to effective teaching. It simply won't happen and shouldn't happen. As adults, we are who we are, and adjustments to achieve effective teaching should be within the unique context of each person. As a corollary to this, one cannot expect teachers to shed quirky mannerisms involving either speech or body language. Although inappropriate laughter or facial expressions can be misperceived in ways that offend students or chill their responsiveness, these habits tend to be heavily ingrained and preoccupation with their

elimination may amount to wasted time and effort.<sup>4</sup> As a result, these suggestions will not recommend that one avoid giggling or stuttering, or to speed-up a style of talking that is deliberate and measured.

Third, these suggestions are intended to yield improved teaching. Inevitably, they should also lead to improved student evaluations, but not necessarily to likability among students. Students often like effective teachers, but not always. And students often like ineffective teachers because these teachers make their life easy. But learning the skills of lawyering is not an easy matter. For most students it is the most significant, difficult, demanding, and anxious learning experience of their lives. Law school is not ordinarily a happy time because of this. Consequently, these suggestions will be about teaching that effectively teaches lawyering skills and not about competing for popularity.

Fourth, these suggestions are aimed primarily at law teachers who invoke the Socratic method or any other method that engages interactive dialogue. This kind of teaching is much more difficult because it directly involves students and their responses to carefully crafted questions and follow-up questions, and it requires exceptional knowledge of each of the players within the classroom. Straight lecture requires dissemination of information in a manner that is challenging, comprehensible, and sometimes entertaining. From the students' perspective, the process is passive. The Socratic method, however, demands their active engagement. Often it is viewed by students as overwhelming and frightening, and it is a kind of learning that most students have not previously experienced. For this reason, it can be hazardous to a teacher's reputation, at least at first, and ultimately to student perceptions of a teacher's effectiveness. Nevertheless, because it is more difficult, because interactive dialogues are still a norm in legal education, and because it is still the most effective way to teach problem solving and analytical skills,<sup>5</sup> the suggestions that follow will be geared to this kind of teaching.

Fifth, because some form of Socratic teaching is used most prominently in the freshman year of law school, these suggestions are best suited to courses within first-year curricula. They are especially

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4. Personal mannerisms of teachers that are perceived to demean or mock a student's question or response can be deadly when it comes to classroom chemistry. Unfortunately, they are usually difficult to change. Nevertheless, I have known teachers, who are secure with themselves, explain their idiosyncrasies to their classes, the context in which they occur, and most of all what they are not intended to signify.

5. For a discussion of the importance of problem solving and analytic skills to the practice of law and to legal education, and of how these skills can best be taught, see David M. Becker, *Some Concerns About the Future of Legal Education*, 51 J. LEGAL EDUC. 469, 472-77 (2001).

appropriate to these courses for other reasons as well. The first year of law school presents a major adjustment for most students, and the classroom experience is a principal part of it. This experience and the adjustment it necessitates have a profound impact on students. Invariably it leaves a lasting impression that affects student judgments about legal education, their law school, and their teachers. Indeed, it is a time in which a teacher can have significant impact. Consequently, it is a time in which positive chemistry is most important, and a time in which greater efforts must be poured into establishing it, including efforts beyond the classroom.

Finally, these suggestions include a theme for each of the principal ingredients of effective teaching. For example, there will be discussion of matters concerning knowledge of students, careful listening, patience, trust, and accessibility. But there will also be specific suggestions as to techniques for establishing these objectives. The themes are crucial but the techniques are not! This is not intended to be an essay that preaches “do exactly as I do.” Instead, it encourages each teacher to find her own way in pursuing the ingredients of positive chemistry and to give substance to those ingredients in a manner that best reflects her individual strengths.

### *B. Some Ingredients of Effective Teaching*

To begin with, one must master the subject matter. This, however, is a first principle for all teaching, and is something that nearly all teachers accomplish—including those unable to establish positive chemistry. But, once again, this essay focuses on that chemistry and what it takes to achieve it. There is an over-arching theme for the suggestions that follow and it is simply this: if a teacher is truly committed to teaching and to her students, and respects them individually and collectively, she will be successful.<sup>6</sup> Indeed, students will soon understand this and appreciate her effort. Further, they are likely to be very forgiving of problems encountered along the way. Once again, this dynamic must be real. One cannot fake commitment and the interest and enthusiasm it requires. To be sure, it can be buttressed with acts of showmanship, but it can never be fabricated. Assuming, then, that the foregoing commitment and respect is genuine, what can one do to give it vitality in the classroom?

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6. See Kent D. Syverud, *Taking Students Seriously: A Guide for New Law Teachers*, 43 J. LEGAL EDUC. 247, 248 (1993).

### *1. Know Your Students*

Perhaps the most important principle is to know your students and know them as well as possible given one's time and the size of a class. This is an essential component of effective teaching but ultimately it offers much more. If one knows his students well, he will be challenged by their intellect and imagination and learn from them. If one knows his students, he will be enriched by their vitality, diversity, and resourcefulness. And after graduation, he will be rewarded by their accomplishments within and beyond the law and by lives well lived. This really is the best of what it means to be a teacher.

Obviously, the first step in getting to know your students is to learn each of their names and to accomplish this as quickly as possible. Although there are always some students who never wish to be called upon and to hide throughout a semester, they are a very small percentage of every class. Students never wish to remain anonymous, especially when they are called upon again and again. They have identities and they truly want to be recognized as individuals. Indeed, even those who profess a desire to hide from questioning because of extreme apprehension do not want this to remain a permanent state of affairs throughout law school or even throughout a particular course.<sup>7</sup> Further, quite apart from student preferences, a teacher really cannot conduct or orchestrate class discussion without knowing each of the players, and this knowledge always begins with mastering their names.

Some teachers view this as a daunting task, often because they have difficulty accomplishing it. For me, names have always come easily. Given two sections of Property with eighty or more students in each, I can learn names for all within two to three weeks. In every case, I try to identify a student with something she says in class or with other information I have learned about her. But I have colleagues who are also successful using different techniques. For example, one creates flash cards with each student's name and photograph, and before the semester begins

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7. Several students in every first-year class will discuss their paralyzing fear of being called upon by me. Typically, I will ask each student to tell me as much as possible about his fear and his perception of the reasons that underlie it. Inevitably, we discuss solutions to their problems, including a "pass" for the entire semester. Almost without exception, students reject this solution because they want to address and overcome the fear. Frequently, I recommend calling upon them everyday, always early in the class hour. I assure them that at first the questions will be easy—simple gifts to create confidence. After that I will present progressively more difficult kinds of questions, and I ask them to trust me that we can get through the process together. Then I will give the student a week in which to make his choice. Student responses usually are made within two days and they almost always elect to go forward with my proposal.

he commits three names to memory several times a day. Another colleague devotes his first class to a simple writing project, and while the students are writing, he goes around the room video taping students and asks them to recite their respective names and something about themselves that they would like him to remember. Although this task can seem overwhelming, for high enrollment courses especially, it can be done successfully if the teacher takes this responsibility seriously.

It is also useful to learn something about students beyond individual names. This knowledge sometimes is acquired because of things a student says in class that reflect personal problems, learning styles, philosophies, politics, life or business experiences, or education. Often, however, it is gathered outside of class in informal settings such as receptions, student gatherings, office hours, group jogging or pick-up basketball, and small group lunches. For many of my colleagues—including myself in younger days—these outside of class experiences involved sports such as softball, basketball, tennis, and canoe trips. Yet I think the most effective experience overall is the informal “brown bag” lunch, which I have done weekly in recent years with small groups of students. In these lunches I purposely stay away from the subjects of class unless students insist on discussing these matters. While I try to get them to talk about any topic, the focus is above all on each of them. This often leads to discussion of their prior lives, their aspirations, and their views on many subjects. Along the way, I hope to discover as much as possible, including anything that offers insight into how they might address and resolve problems or how I might better understand and interact with them. I may even learn something concerning their family, including impending health problems. The latter is very important information and must always be accounted for inside and outside of the classroom.

These experiences and the knowledge gained from them are extremely important for several reasons. To begin with, the better one knows the players the better one comprehends the dynamics of a class. And with such understanding, the teacher is in a superior position to anticipate the strengths and weaknesses of individuals and orchestrate class discussion effectively. Ultimately, this makes for higher quality classes, but more importantly this knowledge enables a teacher to achieve the best efforts from each student and thereby maximize individual learning experiences. For example, if one can remember a particular student’s previous position, analysis, or argument, and identify the student with that in subsequent discussions, it gives credibility and value to that student’s contributions and invariably inspires such student to do even more thereafter.

The other benefits, especially from experiences outside of class, are less tangible and direct. Achieving knowledge of students beyond the classroom invariably involves some openness by the faculty member, who must recognize that students also want to get to know their teacher. Law teachers almost always appear larger than life. Some of us would prefer to remain of mystical proportion to students. Nevertheless, displaying some humanity and a more realistic persona never hurts and always helps in forging the positive chemistry that promotes a successful classroom experience. Indeed, a human presence is essential to student trust and, therefore, is much more likely to yield openness and risk-taking by students when placed “under fire” in the classroom. Because displays of humanity are crucial to effective teaching, most of us must be willing and prepared to initiate the kind of contact and interaction that yields this reward.

Lastly, enduring friendships often emerge from these experiences, and this may be the best part of teaching. The rewards are tremendous while the student is in school and especially after graduation. These benefits are both personal and institutional. Happy students become proud alumni, and proud alumni are more willing to assist their law school in countless ways. Ultimately this results in contributions that are absolutely essential to the growth and stability of the school.

## *2. Other Ingredients of Effective Teaching—Components Within the Classroom Itself*

Once again, knowing your students by name and something about them is requisite to an effective classroom experience. But there are other aspects of the classroom experience itself that lead to more effective teaching that can be injected or tweaked. This discussion, however, makes two assumptions that may not be shared by everyone. It assumes that the pedagogical methodology employed focuses on interactive dialogue between the teacher and the students and, with the teacher’s guidance, between the students as well. It also assumes that implementation of this methodology does not amount to a fishing expedition among students; namely asking a question and then calling upon student after student until the answer sought is finally given. Instead, it assumes that a teacher’s dialogue with a specific student is ideally intended to achieve success every time for that student. In light of a student’s response to an initial question, this involves follow-up questions designed to guide the student through a process that reaches higher levels of understanding and analysis for the student and ultimately for the entire class. This methodology is not

an efficient way to disseminate information; nevertheless, I believe it is the most effective way to teach the critical skills of problem solving central to the craft of lawyering.<sup>8</sup>

With these assumptions, perhaps the most important thing a teacher must learn to do is listen—listen carefully and attentively. Years ago I met Harry Jones, a law professor at Columbia University and the University of Chicago. He was renowned as one of the great teachers of his time, so I asked him about the secret of his success. He told me that he had possessed a hearing deficit since childhood. To compensate for this in class, he would invariably march up the aisle to be close to the student with whom he was holding a dialogue. He would then rivet his eyes upon the student's face. This enabled Harry to observe the student's lips and also to gain eye contact. With this proximity and attention, Harry could then hear and understand the student. Most important, however, for both student and teacher it became a simple conversation between just the two of them.<sup>9</sup>

Listening carefully and attentively is not always easy but it is always necessary. To begin with, one must see the student as an individual who has something to contribute. A teacher must always demonstrate respect for student responses and questions. When I was a student and young teacher, students were commonly told that their response or question was stupid, with the inference being that they were stupid. This kind of teacher commentary was inappropriate both then and now. The only certain consequence of this approach is to stifle student enthusiasm and participation through paralyzing fear.

To listen carefully and attentively, one must always hear the specifics of a student response as if it were truly a first time experience for the teacher. Sometimes the student response seems unclear and muddled. Further questions will often yield clarity. Sometimes the teacher knows what the student really means, but must paraphrase it for other students to understand. The one thing a teacher should never do is to take a response and, despite its content, jam it into the answer, explanation, or conclusion a teacher ultimately seeks. That is not listening. Some students might welcome this technique because it eliminates all pressure for a thoughtful response, and often thorough class preparation. Even committed students might find this a disincentive to crafting responsive answers. Worst of all,

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8. See Becker, *supra* note 5, at 473–75.

9. This technique is one I frequently utilize to listen carefully and to gain the student's attention. Nevertheless, I must always do this with great care. For example, I never wish to be nose-to-nose. Everyone needs their own space or breathing room, and this is something I never wish to invade.

it is a charade that undercuts the process of critical analysis in which—with a teacher's guidance—the student must lead the way.

To be sure, there are times in which a student response offers nothing at all and further questioning leads nowhere. Then it is probably best for the teacher simply to move on to other students. But prepared students usually offer something, and a teacher must listen carefully and attentively to discover that something. In these moments, an effective teacher must remember that the process is about the student and what she has to offer and not about the teacher's desire to establish personal brilliance. A dose of humility is always a requisite to effective teaching.

Good listening also requires careful observation. A friend once told me: "I can't listen without my glasses." Body language reveals much beyond spoken words. It can reveal understanding through a smile or it can reveal confusion through a scowl, even though words may seem to say the exact opposite. An effective teacher must utilize these cues in determining how to proceed with a given student. Body language can reveal even more. It can suggest self-confidence and personal satisfaction with the process. But it can also reveal anxiety, including paralyzing fear. For me, the eyes tell much about what is going on inside of the student. I often move about the room so that I can clearly see the whites of a student's eyes. If they become red, I often take it as a signal to ease up and sometimes move out.

One should note that effective teaching also requires additional kinds of classroom observations. The body language of other students will often tell you where the rest of the class is at during the dialogue of a classmate. Inattentiveness can suggest unpreparedness, disinterest, distraction, or boredom, revealing the need to integrate these students into the discussion sooner rather than later. Body language can also suggest agreement, disagreement, or confusion with what a student or teacher has said. This information is very useful in guiding a teacher through the process. I am always able to find a few expressive faces within a class that give me considerable information about what the class is thinking, and I use them as my barometer.

In light, then, of everything one knows about a student, after carefully listening to and observing that student respond, one must take what she gives you and make it work for her and for the class. This is not easy and, above all else, it requires patience with the student and the process. With this patience and knowledge, one must decide where to take the student next. Sometimes this means back tracking to basics, which were previously addressed and, hopefully, mastered. One of the best teachers I have ever known was Frank Miller—a teacher of both students and

colleagues.<sup>10</sup> Frank would frequently explain that the secret of his effectiveness as a teacher was his ability to detect, in light of his questions, a student having difficulty mastering a principle and then to redirect that student back down the mountain until they reached safe ground, namely a principle the student understood and could apply. Having established this foothold, Frank would then carefully and supportively march the student back up the mountain, all the way to success at the summit. This process ultimately means less course coverage and less information, but this patience more than compensates for these losses because of the skill set it produces for students.

Further, it is very important for a teacher to offer this patience to everyone. Classes commonly have star performers who usually establish themselves by mid-term. Classroom dialogue with these students is often exhilarating and evolves into a learning experience for the teacher as well as the student. Others within the class are expected to borrow from these dialogues and, accordingly, learn vicariously. But the skill set for lawyering cannot be fully acquired vicariously. It is not a spectator sport; instead, it requires active participation by everyone and, therefore, must include everyone.<sup>11</sup> Moreover, when teachers conduct their class with a limited number of participants, they tend to lose the interest and respect of those who are left out of the process, and this can be deadly when it comes to establishing positive chemistry. Finally, dialogues that successfully take Frank Miller's trip down the mountain and back up again with weaker students are always the most satisfying for student and teacher alike. The cost is sometimes restlessness or boredom from other students, but the trip is always worth it.

For all of this to work effectively, a teacher must also establish trust. Very bright students are accustomed to great academic success. This translates into a history of excellent grades and positive feedback in the classroom. The law school experience tends to be quite different, and for many students it seems to be as if their answers are never correct. This reaction is endemic to the process. Some students, therefore, are inclined to shut down in the classroom and not take chances. Yet the process requires that they must take risks. This leap on their part requires trust—trust that the teacher's central mission is to help them and not destroy them

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10. Frank W. Miller was a faculty super star at the Washington University School of Law for over forty years and, more than anyone else, was responsible for a tradition of accessibility and excellence in teaching at this school. He was a mentor to generations of students and faculty members alike. I did not attend this law school, but still Frank was among the best teachers I have ever had.

11. See Becker, *supra* note 5, at 474.

publicly. Once again, a strong dose of personal humility is essential for a teacher to be effective. Normally this trust is best established by deeds and not words. Nevertheless, in recent years I have made a point of telling my first-year students that I am not their antagonist. I am there to help them! If they are having difficulty, I urge them not to give up on me or themselves and that my help is always forthcoming in the next question and then the next. Further, there are times in which I will interrupt my discussion with a particular student and address the entire class. I will tell them that I am not giving up on that student because based upon everything she has said thus far, and everything she has said at other times in class, I KNOW that she can do it and that it is important to her, the class, and the process that she succeed at this time. For some students this is a chilling experience; however, for most it serves as a foundation for trust.<sup>12</sup>

This is not the only circumstance in which a teacher might offer insights into a dialogue that is underway. Many students say law school is about reading a teacher's mind, especially when questions seem to come from nowhere. An effective teacher must be sensitive to this, and often it is useful to offer insights as to the context for a particular discussion, analysis, or question, or even to explain the specific reason for such question. However, teachers must also read the minds of students. In some sense, this is what the entire essay is about; namely, the process for understanding and anticipating each of our students. Reading someone's mind seems like a daunting task, but surely every experienced teacher has reached a moment in a classroom dialogue in which she knows exactly what a student is thinking, what they are going to say, and why they are going to say it.

Perhaps the most common example of this arises when a teacher has, with a series of questions, led the student down a path that is intended to reflect the weaknesses of a principle, analysis, or argument. Along the way, the student should encounter an "a-ha" moment in which he begins to see difficulties in the position he has taken and begins to see where this discussion leads. Often this is marked by a pause—sometimes lengthy—following a teacher's question. This can be a moment of insight for a teacher to seize and to unite the student and his classmates in their joint understanding. For myself, I have found it useful to say the following: "Let's stop for the moment. Mr. Smith, please talk to me. Tell me what

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12. Doing this can, of course, be very risky. But over time experienced teachers can almost read the minds of their students during the course of analyses in class. If a teacher senses that she really knows where a student is in the analytic process, then it's time to take this kind of chance. This is especially true if she has already established a reservoir of trust.

you were thinking and why you hesitate to respond.” Invariably the first time this happens the student—and others as well—is a bit stunned. So I follow-up with something like this: “Do you hesitate because of confusion? Do you hesitate because you haven’t any idea of what to say? Do you hesitate because you are just buying time in hope that I will go on to someone else? Or do you hesitate for some other reason? I really think I know the answer to my question. You and everyone else should have hesitated. But why?” Generally, this works very well, but I must confess it is something I never try unless I am absolutely confident that I have got it right and have read the student’s mind correctly. The point of this shared revelation with students is for them to understand—and not fear—moments of uncertainty and hesitation because they are calculated and are, therefore, a natural and expected part of the process of analytical exploration.

Additionally, there is the matter of classroom humor. It is a double-edged sword because humor can promote positive chemistry, but when not used carefully it can sabotage it. Humor can accomplish many things. I know of a teacher for whom humor was planned and who began every class with a joke intended to make a point. Nevertheless, I believe that the best humor is spontaneous because it can lessen the intensity of a class that sometimes becomes fraught with tension. There are moments in which all within a classroom must back off and not take themselves or the situation too seriously. Humor can establish a teacher’s lighter side, which is something many students find attractive. It can also humanize a teacher, especially when his humor is inward and self-deprecating. The last kind of humor also involves the least risk. The axiom that permeates previous ingredients for effective teaching—namely the focus must always be the student and not the teacher—should give way to the exact opposite. Humor should never be used to make fun of a student, even when a teacher wishes to puncture student arrogance directed at other classmates. Somehow it always backfires because some students view it as humiliating and fear that it can eventually be directed at them. Once again, humor must be used carefully to be effective. It should not be used to demonstrate how clever a teacher is, nor should it be used excessively within any class hour. Excessive use of humor often causes a class to degenerate into a contest among the students and the teacher as to who can be more humorous. Once this occurs, the remainder of the class hour is usually lost.

Finally, it is always helpful for a teacher to address the examination process. This is especially true for the fall term of the first year of law school. Although law school exams and the things they measure are quite similar, many teachers emphasize different things and, therefore, look for

different responses. For example, some teachers might emphasize identification of as many issues as possible, while others may view this as not nearly enough. Quite differently, they may want full development of an issue and the ways it might be resolved. Consequently, it is important for a teacher to offer insights into her particular exam and the components of a sound answer. Because freshman law students are accustomed to exceptional academic success and because they are also very competitive, they crave as much information as possible about the examination. And because this includes information about exam preparation, teachers should discuss the process of review and the proper use of exams currently on file. Nevertheless, because freshmen law students expect (and often believe they deserve) success comparable to past experiences and because first-year grades—according to my informal experience—do not satisfy the expectations of fifty to seventy-five percent of the class, it is always important for a teacher to give perspective to grades. Indeed, it never hurts to stress the relative unimportance of grades over a lifetime. More specifically, it is always useful to remind students that their grades will not be posted on their forehead or diploma and that many years down the road of their respective professional lives they will become the real judge of the effort they have made, what they have learned, and what they have accomplished as to every task and challenge they confront.<sup>13</sup>

### *3. Other Ingredients of Effective Teaching—Components Outside the Classroom*

The most significant requirement for effective teaching outside the classroom involves faculty accessibility to students, and this is the overarching theme for all of the suggestions within this section. Accessibility to students by a teacher can be offered in person outside of the classroom—within and without the teacher's office—and it can be offered over the Internet as well. Out-of-class contact presents some of the best teaching opportunities—teaching opportunities that can be superior to the classroom because they are one-on-one, involving just the teacher and the student. Beyond instruction, accessible faculty members must frequently give advice and counsel to students in need.

The Internet offers the opportunity for both one-on-one and group communication. It is convenient and easy, especially because it enables teacher and student to communicate individually on their own time and

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13. I raise this theme with my students at the outset of first-year courses, and I repeat it several times thereafter, including the review session conducted immediately after classes conclude.

terms. This is unlike office hours, which require a fixed location and specified times. With the Internet, students and teachers can formulate questions and responses and send them out at times when the recipient is away from the computer or even asleep. Nevertheless, the Internet is not the best form of communication.<sup>14</sup>

Students have several different kinds of reasons for communicating with teachers. Many students—especially those within their first year—simply want teacher contact and to hear from that teacher that she is doing well in school.<sup>15</sup> Sometimes, however, the student may wish to share a personal problem that may be seriously affecting her work or life. Law professors are not trained to advise in many of these personal matters; nevertheless, it is an inevitable part of the job of both lawyers and teachers, and it is something neither can ignore. Students may raise these matters directly, or they may fabricate a question that will somehow lead to the affirmation or solution they seek. What these students want above all else is human connection, so that a teacher and student can get to know each other better. The Internet is never an adequate substitute for face-to-face communication.

Sometimes, because of difficulties they are having in the course, students will formulate a question that they think addresses their difficulties; in reality, however, it does not. A response by the teacher over the Internet, usually by e-mail, is almost always targeted to the question and is in the form of an answer. The advantage of the Internet is presumed efficiency. Teachers, therefore, are inclined to answer directly the question asked and no more. A meeting, however, between teacher and student during office hours often yields much more. Body language and an opportunity for further discussion frequently reveals that the question asked is not central to the student's problem. A smile, for example, might signify comprehension, but a scowl or puzzled expression will suggest otherwise even when the student says "yes, I understand." Further discussion invariably identifies the student's real issues and ultimately enables both parties to address and resolve these problems. Once again, the Internet is not likely to yield these revelations and, therefore, is not an adequate substitute for in-person communication.

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14. For further discussion of why the Internet is not an adequate substitute for face-to-face communication, see Becker, *supra* note 5, at 477–83.

15. This is especially true when final grades are based upon a single exam given at the end of the semester or at the end of the school year for courses taught over two semesters. Because of term papers and mid-term exams frequently assigned in college courses, most students are accustomed to performance-based feedback long before their final exams.

Finally, there are many circumstances in which the student's question is his real question, and it is a good question as well. The question may be straightforward and basic, or it might be highly sophisticated and one the teacher never anticipated. The Internet offers an opportunity for a thoughtful and efficient answer by the teacher that can even be shared with other students. Nevertheless, these situations offer ideal opportunities for in-person dialogue in which the student ultimately solves the problem with the guidance of the teacher. Indeed, the student answers his own question just the same as he might be asked to do within the classroom and thereby develops lawyering skills along with the acquisition of information. To be sure, this can be accomplished over the Internet. But it is never as effective as in-person communication, nor is it as efficient. Once a personal conference begins, both student and teacher can respond faster orally than they can through a computer keyboard. Additionally, body language and oral clues often allow a teacher to shorten the process by skipping intermediate questions otherwise needed over the Internet to confirm a student's understanding.

Contacts outside of class offer outstanding teaching opportunities to promote the skill set that lies at the core of legal education, and they are also the most satisfying educational experience for both teacher and student. But they also offer much more, especially opportunities for advice and counsel,<sup>16</sup> greater knowledge of individual students, and humanization of the teacher. Each of these situations presents opportunities for goodwill that ultimately filters through to other students and thereby enhances a teacher's reputation. Consequently, each of these opportunities promotes positive chemistry in the present and in the future as well. None of these benefits can materialize, however, without teacher accessibility and a commitment to the time and effort such accessibility demands.

Feedback is a related ingredient of effective teaching that students want and that teachers can give outside of the classroom through accessibility. Sometimes, however, feedback can be accomplished within the classroom with practice tests or specific praise when a student dialogue goes very well. Practice tests are frequently given in first-year courses, but real feedback on these tests becomes especially difficult when class enrollment

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16. Given the economy and its impact upon law firms, many teachers can expect to advise and counsel students more and more on professional opportunities and choices. Although this responsibility customarily falls within the province of a career services office, faculty members—especially those who are senior—are usually in the best position to recommend students and help them network for jobs among alumni. Given the substantial debt load of law students when they enter and thereafter graduate from law school, jobs are always of utmost concern to students.

is high. Consequently, the most practical occasions for feedback occur beyond the classroom and frequently within the context of the one-on-one conferences previously described. Once again, accessibility is critical to feedback.

Other occasions for feedback may be within contexts actually initiated by the teacher rather than the student. They involve a form of conscious intervention by a teacher. For example, some teachers might encounter a student immediately after class or at other times and offer praise based upon a student's contribution to class discussion. Or a teacher might seek out a student to offer such praise. But the teacher might also seek out a student who needs special encouragement or, conversely, prodding. The student benefit can be considerable, and this is something they are likely to appreciate and remember during law school and thereafter.

The most important feedback, however, often comes after the term has concluded and exams have been graded. This is especially true for first-year students following their fall term. Many are disappointed with their grades and fail to understand why they did not do much better, indeed, why they did not do just as well as they have done in the past. They desperately want and need feedback for both guidance and encouragement. Many teachers hold sessions for the entire class to review the exam. Of necessity, these sessions focus on what students generally failed to see or resolve. My view, however, is that the best feedback can be provided in one-on-one conferences between teacher and student. During these conferences, students really want to know how they can improve because it never takes long for them to recognize what they failed to do on their exam paper. The focus, then, should be on improvement, and a skilled teacher can always find something to observe and discuss. Positive reinforcement is essential, and one should never overlook emphasizing and reinforcing things that the student did well. In particular, the teacher should concentrate on things that carryover to the next set of exams—organization, clarity of expression, development of issues, and alternative ways in which they might be resolved—instead of things that are specific to the subject matter of the course just completed.

I find that these conferences often need at least forty-five minutes. And over the years, I have learned that at least twenty minutes must be reserved to discuss student concerns about their future. For many, grades have always been an affirmation of their ability and even their self worth. A grade that places them in the middle of class reflects failure, even failure in life. Consequently, many students need a reality check with respect to grades, the professional career that awaits them, and their future in life.

They also need encouragement. My experience is that they want and need this from their teacher and not their parents.<sup>17</sup>

To be sure, these conferences consume considerable time after the term has ended, and often while one is teaching other students. In some years, a majority of students need this attention, but in most it is far less. The benefit to students is enormous, but it comes after student evaluations and, therefore, is not immediately reflected in the evaluations for that course. Further, most first-year students never expect to be in the position of those who might need such advice and counsel. Nevertheless, it does affect one's reputation among the students, and reputations follow a teacher year after year. Indeed, good reputations make for positive chemistry in every class a teacher conducts thereafter.

Finally, committed teachers should always consider initiation and intervention with respect to students in need. Every teacher encounters students in crisis, and over the years I have had many, including students in every class. They are always present and often silent. Some students are terrified within the classroom, yet they really want to shed their paralysis and participate with reasonable comfort.<sup>18</sup> Others have disabilities that are not always apparent. I have had students with impaired vision and hearing, and I have had students with dyslexia, epilepsy, cancer, cardiac deficiencies, and kidney failure that required dialysis. And I know that I am not unique. Additionally, I have taught students who have had to deal with the death or serious illness of a parent, a sibling, a spouse, or even a child. Finally, I have had students struggling with personal identity and career wishes other than law school. Most of these people need help and consideration in some form, yet much of the time they do not initiate. Inevitably teachers learn about these students and their special problems and needs. Committed teaching often requires intervention by the teacher. The risks are few, with the worst being rejection by the student. But the rewards are exceptional, especially when the student is successful. It's also the right thing to do. Beyond this, there are the benefits of good will that intervention generates. In particular, such good will can reinforce positive chemistry and yield enduring acceptance by future students.

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17. These conversations are always delicate because disappointed success driven students are invariably vulnerable and even fragile. And this applies equally to men and women. So keep the tissues handy because often they become essential.

18. *See supra* note 7.

### III. CONCLUSION

The foregoing section has offered some important ingredients of effective teaching that support or at least reinforce efforts to produce positive chemistry within and outside the classroom. Many teachers will find these suggestions inappropriate or unnecessary to their teaching. These suggestions, after all, do consume time, which inevitably means less time for other responsibilities, and they require a commitment that some are unwilling to undertake. Others are already satisfied with their classroom chemistry and the evaluations they receive. Indeed, many effective teachers succeed on the basis of their classroom persona and their patent enthusiasm, passion, and skill for teaching. Consequently, they have no need for the extra effort—and the time it requires—described in this essay.

Yet for those open to these suggestions, one should observe that they merely emphasize related themes that describe generally the components of effective teaching. These themes do not address specifics related to subject matter, nor do they attempt to instruct one how to conduct a dialogue in the classroom. Rather, they address matters of commitment and enthusiasm, knowledge of the students, careful listening and observation, patience, trust, accessibility, feedback, and intervention. To the extent this discussion also includes technique, including specific descriptions of some of the things I do, it is intended as illustrative only and not as a necessary prescription for success. The object, once again, is for each teacher to give content to these themes in a manner that reflects his or her own strengths and personality. Above all else, the teacher must find a personal comfort zone in the effort to produce positive classroom chemistry. True commitment must be owned from within. It can never be fabricated.