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# Strategies & Techniques for Teaching Academic Success Classes

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Strategies and Techniques  
for Teaching Academic  
Success Classes



## Introduction

Welcome! You are entering an exciting part of our profession. Academic support teaching is among the most challenging and rewarding work you can do as a legal educator.

In recent decades, most law schools have been expanding their academic support programs (ASP). These courses are also frequently called *academic success* or *academic excellence* classes. Although there might be subtle but important differences in the nomenclature your institution adopts, this book treats each of those terms interchangeably, along with the common acronym ASP. Academic support services and academic skills education are usually significant components in evaluating law schools for accreditation, and academic support has become a well-established profession in legal education.

Law schools offer a wide array of services and programming under the heading of academic support. Many schools provide various forms of one-on-one academic counseling, while others might provide structured study groups, supervised either by faculty or upper level teaching fellows. Frequently, schools also offer specific services and courses to help ensure that their graduates are ready to take and pass a rigorous bar exam.

It has become commonplace in recent years, though, to situate explicit academic skills teaching in small or large courses (whether required or optional), which are specifically intended to help students improve their academic work in law school. These sorts of courses are usually designed and led by faculty and senior administrative staff with special expertise in law students' learning.

This book aims specifically to help those newer to designing or teaching this kind of course think through the planning needed to make this kind of class a success. The book is intended to work in tandem with the more general text *Strategies and Techniques of Law School Teaching*, by Howard E. Katz and Kevin Francis O'Neill. It will help you prepare to design and teach an academic skills course as part of your school's curricular offerings.

Constructive academic support teaching requires articulating the building blocks of legal reasoning while being explicit about best practices for studying and learning law. In short, then, this kind of teaching can show your students how to be better learners and thinkers. As an added bonus, leading this kind of course might make *you* more aware of how students learn law, what difficulties they face

along the way, and how you can teach more effectively in any part of the law school curriculum.

One of the biggest difficulties in this field is that there is more variability to academic support classes than is typical of other standard courses in the law school curriculum. There are significant differences in types and purpose of courses, and each is designed to suit particular institutional needs and specific student populations. Are you doing academic support teaching in an orientation or prelaw class? As a supplement to the rest of the curriculum? An integral part of it? For course credit or not? If for credit, is the class graded or pass/fail? Is it connected to specific doctrinal material or with an open agenda? Pitched toward specifically identified students or available for all comers? Each of these considerations will in a significant way shape how you design and frame your course, yet there is such a variety of approaches that it is almost impossible to generalize about how ASP teaching is best delivered or which strategies will work well for which setting.

For that reason, the aim of this volume is not to tell you precisely how to develop or structure your course. Instead, this text will help both newer and more experienced academic support professionals who are beginning to teach these courses to familiarize themselves with important factors in class design. To do so, the book points out issues to consider in some of the choices you will have to make as you develop your course, and reviews core concepts that you might want to fold into your class plans.

The book is intended as a compendium of possible topics your class might touch on, but no one teacher or course is likely to be able to cover all of the topics addressed here. Instead, most academic success teachers will choose a few themes and approaches to concentrate on, and perhaps add in brief overviews or mentions of minor points that might also be useful to their students.

The organization of this book should at least roughly correspond with the order in which you will need to think through your plans for your course. Parts I and II consider what type of class you will be teaching and what sorts of reading or textbooks you might want to rely on. Part III offers ideas on getting your class started. Parts IV and V form the substantive core of this text: They provide a survey of the most commonly addressed topics in academic support teaching, as well as some suggested resources for background reading to supplement your own knowledge of the topics. They also



give examples of the kinds of experiences and exercises that can be employed to teach each subject. Because so much of academic support teaching is exercise-based, Part VI will help you consider the stages in planning and designing your own problems or classroom experiences. Part VII offers suggestions for providing feedback on student work and (if that is part of your curricular design) grading your course. Finally, Part VIII gives suggestions for concluding your class and Part IX leaves you with some parting thoughts as you begin to develop your own course.

## I. Type of Course

One common denominator in ASP teaching is a focus on learning by doing. Because the primary objective of these courses is to improve students' legal reasoning, experiential learning in this context usually takes the form of frequent practice in legal reasoning and writing.

When students regularly examine the strengths and weaknesses of writing that they have done, they learn to better comprehend legal doctrine, to anticipate the kinds of questions that can be asked, and to articulate the qualities that make examples of legal analysis more or less effective. Chances are, then, that no matter how your class is designed, it will provide regular opportunities for students to think through legal problems and get critical feedback on their analysis.

But there are many successful models for structuring specific academic support classes, and some of the most important variables are considered in this section. Your school could be adopting (or adapting) one of the models described here or creating its own hybrid. If you are building a program from scratch, it is worth considering the benefits and drawbacks of these various approaches when designing your course. If, instead, you are taking on an ASP class that already has a set structure, you might still want to consider whether there is room to capitalize on the strengths of other models.

### A. TIMING

An academic success class can come at almost any point in a student's law school career. Most courses that are aimed at addressing basic legal reasoning and writing skills will meet earlier on, whereas

courses that are intended to firm up the analytical skills needed for bar passage tend to fall within the third year of law school.

The timing of the class is often connected to decisions regarding the targeted audience and whether the class is optional. Common possibilities include the following:

- In the summer before beginning law school (usually these are optional for all students or are required for some conditional admits or incoming students with weaker credentials than their peers)
- Woven into the first semester (may be optional or required; most commonly offered to all students at this point rather than specifically targeted ones)
- Standing alone in the second semester or third semesters (may be required or opt-in, but either way, usually aimed at a specific populations of students based on academic performance to date)

One advantage in starting early is showing students from the very outset how they will need to adjust to learning law. By teaching students how to read and think about cases and statutes in a richer way than they might on their own, you can help them hit the ground running in all of their courses. And by helping beginning law students understand the purposes of Socratic dialogue and other common classroom techniques, you can enable them to become better prepared for their classes, to take notes during classes that will serve them well, and to understand how to review and synthesize after classes in ways that consolidate their learning. Finally, by exposing students early on to exam-style writing and feedback, you can give them a sense of what their objective will be over the course of their legal education.

The hope is that beginning students will come to understand that although legal education requires learning substantial amounts of information and mastering some difficult concepts, the real goal is not simply to accumulate knowledge, but to develop the ability to use that knowledge to solve hypothetical (and eventually real) problems their clients might face. This, in turn, should show students that the study of law is likely to require a substantial reorientation in the ways that they have studied and learned subjects in previous academic settings. Ideally, such comprehension will allow them to establish habits right away that will serve them well throughout their legal education and into their future careers as attorneys.

That ideal is not always met, though. Reams of advice and experience along these lines have been offered to recent generations of law students, but the ubiquity of this information does not prevent them from struggling to adjust to law school learning. It could be that for at least some students, experience with actual law classes is simply necessary for the concepts and approaches that we want to encourage to take hold.

There is also often a problem with transferability of skills: Many students find it difficult to translate and adapt what they learn in one setting or class to another. Students can learn well what is taught in an ASP course yet still not know how to implement those ideas in, say, their torts class. Additionally, some students might need the jolt of dissatisfaction with their own performance to truly understand the need to change learning approaches that worked well for them in the past.

Moreover, in a world of always imperfect and limited resources, your school might decide that it makes sense to focus most of your attention on students whose individual academic performance shows a need for additional assistance. Even for schools that give regular midterm examinations, it is usually impractical to provide additional assistance to students most in need until they have been identified by low performance at the end of their first semester or first year. For these reasons, many schools place students in academic support classes if they perform below certain benchmarks after their first or second semester of law school.

Of course, there is no reason why a school cannot employ more than one strategy to help its students succeed academically. Indeed, a combination of approaches could have the greatest reach and offer the best hope of capturing at least some of what every student needs. In any case, it will be important to adjust your academic support class to the setting and context in which it is offered. Law school summer preparatory ASP classes might cover much of the same content as a course offered to lower achieving third-semester law students, but the manner of presenting information and level of attention to various topics touched on might be very different indeed. Samples of coverage plans for ASP courses of varying lengths and objectives can be found in the appendix to this book.

## B. REQUIRED COURSE OR OPT-IN?

An obvious advantage of optional academic support courses is that you will be working with students who genuinely *want* to take the opportunity learn everything they can about how to succeed in law school. This can be a tremendous benefit not only because more motivated students are more likely to work hard, but also because it fosters a positive collective attitude within your class. A productive course atmosphere is likely to work cyclically to generate still more commitment, as students spur one another on to improve their work as much as possible.

Opt-in classes also serve to avoid the stigma often associated with a course that some might see as remedial. No matter how hard you and your school as a whole work to regularize the notion that many students adjust to learning law at different rates, it might be impossible, or at least very difficult, to fully eradicate the negative associations some people will have with ASP. And stigma is not simply an important concern for students' own sense of well-being; it can directly impact actual academic performance. Numerous studies show that expectations affect outcomes—all other factors controlled for, students who are expected to perform well often do, whereas students who are expected to perform poorly often do less well than they might have otherwise.<sup>1</sup>

Permitting students to decide for themselves whether they want to enroll in an academic assistance course supports their autonomy (which is itself associated with stronger performance), while making the class seem like a valuable service rather than a corrective measure for poor performance in the past or predicted low performance in the future.

On the other hand, ASP professors observe anecdotally that law students with the greatest needs for academic assistance are often the least likely to seek it. They might be afraid to seek help, or self-reliant and intent on “just working harder,” or ashamed, or unmotivated, or in denial. Whatever their reasons for not seeking help, the problem of not being able to reach these students becomes moot when the academic support course is required.

An additional issue for opt-in ASP courses is whether to allow any interested student to attend or only students in certain targeted groups. Often, some of the most anxious but ultimately high-achieving students are the first to take advantage of any academic success programming.

These students could enrich the dialogue in your classroom and can be valuable assets in any course, but they might also divert attention and resources from other students with greater needs.

Your school will have to decide how to balance the competing concerns around class composition. There will be positives and drawbacks no matter what route you choose. Most important for you, these decisions should affect the tone and pacing of your course. You will, no doubt, want to make your class encouraging yet rigorous, irrespective of how students came into it. But differences in the incoming skills your students possess might affect how you talk to students about the class and their work, as well as the speed with which you move through exercises and concepts.

### C. SUBJECT-MATTER LINKED OR FREESTANDING?

It is almost impossible to teach legal reasoning or foundational legal academic skills without using some, well, law. Students need not just to *hear* about legal reasoning but also to *do* it, and they can't practice legal analysis unless they have legal rules to apply to facts. Consequently, even if that is not the primary focus of the teaching, any ASP course will necessarily end up somehow covering or using some legal doctrine. The question then becomes this: Which doctrine?

Some academic support classes will introduce new cases and topics for study and practice. This can be done in a hybrid doctrinal/ASP course (often in a special section of a required course like Contracts or Constitutional Law, or in a separate class that covers important topics connected to the standard curriculum but typically is not required, such as Agency & Partnership, Sales, or Advanced Torts). If you are teaching one of these types of courses you will want to use this text to help you think through the ASP aspects of your class, perhaps consulting with other volumes to guide you through the standard pedagogy in your particular area of law.

The advantage of subject-matter-specific academic support classes is that they can make the course feel more substantive to students, which in turn might help reduce resistance (if the class is required) or stigma. In addition, learning law in the context of working with it leads to richer and deeper comprehension, so this type of hybrid design could be an efficient means of accomplishing several goals at once.

There are potential drawbacks to the ASP + doctrine model, however. One might be the simple temptation for both faculty and students to become immersed in the new material to the exclusion of needed attention to the process of developing skills. Despite concerted efforts to treat both parts of the course as important components, it can often become difficult for the more abstract and hard-to-define skills teaching to feel equally as important and as absorbing to students as understanding the nuances of new legal rules. Also, there remains the difficulty of transfer—will the skills the students learn in a hybrid ASP class be ones they take with them and modify to use in every other legal setting? Making the skills transparent and helping students adapt them to other settings is no easy task.

Other academic support classes focus on exercises developed specifically for that class alone. The advantage here is that the exercises can be drawn from entirely new material or can review or amplify topics touched on in courses the students have already taken. Often, courses with this design will alternate between the two. Because there is no set body of material that must be covered, you will have the freedom to move effortlessly from, say, a warranty issue to a question of criminal law. It is easy to see how covering a broad range of subject areas could help with the transfer of knowledge problem. It might also provide an opportunity to talk with students about how different legal doctrines genuinely differ—that is, about why we might approach that criminal law question quite differently from the way a lawyer should come at a warranty question sounding either in contract law or tort law.

A possible downside to this sort of freestanding design, however, is the simple fact that for each new topic covered, the students (and not entirely incidentally, you) will have to learn new material. Most law professors report that class time is always at a premium, and the class time devoted to studying (or reviewing) law is time that cannot be spent learning or practicing analytic or academic skills.

Another model for ASP courses, then, attempts to avoid those disadvantages by coordinating with one or more doctrinal courses that students are taking concurrently. This allows the academic success class to skip over review and teaching of the concepts, giving students an opportunity to review and consolidate their knowledge of key subjects.

Keep in mind that this type of course works best when there is close collaboration with the other professor(s). Collaboration is most

likely rewarding and productive, but it could also be time-consuming and demanding for all professors involved. It will be crucial to ensure that the academic support work in such a course or set of courses is not ancillary or subordinate to the doctrinal material. If it is perceived to be, then there is a real danger that students will not engage with the work or will not understand it to be as serious and substantive as the doctrinal material. And if not all students in the doctrinal course(s) are enrolled in the ASP class, there could be real or at least perceived institutional concerns about whether the students in the academic enrichment course gain an unfair advantage over their classmates.

In short, then, there is no single model for an ASP course design that has emerged as a universally agreed-on best practice for all law schools. You or your faculty as a whole will have to determine what design fits best within your curriculum, with your students' needs at the forefront. Whatever model you choose, you should be aware of its strengths and benefits, and will need to work to minimize the effects of any disadvantages.

#### D. COURSE OBJECTIVES

No matter the design of your particular course, there are themes that are common to just about every ASP class. In early 2000, a publication by the Law School Admissions Council articulated eight theoretical principles of a successful academic assistance program:<sup>2</sup>

1. Begin where students begin.
2. Give consistent and explicit instruction on what they are learning.
3. Provide several examples of different ways to process and learn information.
4. Encourage students to be aware of their own process and help them translate their logic to fit within "legal reasoning logic."
5. Repeat concepts and processes to offer numerous opportunities for students to practice their newly acquired skills.
6. Give regular feedback on their progress.

7. Match expectations with where students are in the learning progression.
8. Build learning in sequence.

The academic support field might have grown and changed immeasurably since these principles were initially articulated, but the core needs for acclimatizing our students to learning law have not. If anything, these principles have become more broadly incorporated into law teaching in general, and they will still form the basis of your ASP teaching.

But what “concepts and processes” will you be teaching, and do they differ from those in any other foundational law course? Many of the more specific skills and ideas you will probably want to cover are detailed in Parts III and IV of this book. To start with a wider overview, though, it is pretty inevitable that you will want to focus at least some of your attention on getting students to identify legal issues, approach legal analysis methodically, learn and apply rules with precision, consider problems from all sides, and explain their reasoning thoroughly.

Most academic skills courses try to work on multiple levels simultaneously. Ideally, you would want your students to learn both how to think more deeply about legal questions and how to present their thinking more effectively. Academic support professors often spend a significant amount of time talking to students about the structures of a legal argument, and perhaps explicitly addressing exam-writing techniques. Your course will likely review preparatory skills such as case reading, taking effective notes in class, and so forth. You’ll teach synthesis, and will try to help students understand how to fit together minority and majority approaches to particular questions, conflicting parts of legal rules, lines of cases, and shifts over time in judicial interpretation or application.

Most challengingly, you will strive to show students how to think harder and more conceptually about law (seeing forests not just trees, understanding how law and policy are intertwined, and grasping both the determinacy and indeterminacy of legal rules). This conceptual part tends to be the hardest but most satisfying aspect of ASP teaching, because with gains in that, students’ academic performance can improve dramatically. But the more rudimentary skills (organizing written analysis, time management, etc.) will also be important to



cover because with practice in these areas, virtually all students can see at least some improvement in their work.

## E. A WORD ABOUT TONE

At their heart, academic support classes are intended to break down and explain the processes of legal reasoning, offer students practice and feedback in written legal analysis, and provide a close examination of the skills needed for excellent work in law school and in the legal profession. Your class should be rigorous and, to the extent possible, it should feel personalized. In other words, regardless of how or why students come into the course, it should maintain high standards, presume that if students work hard enough and try to improve all of them can perform at the level expected, and set specific goals for improvement for each student.

Because of the subject matter, and because of students' likely sensitivities about their own work (especially, but not only, if your class is required for some or all of your students based on low performance or lower incoming predictors), it is crucial that students not feel that you are talking down to them. Often, then, the style of successful ASP teachers is to act as if in the normal course of business you expect excellent work from all of your students, that you will settle for no less, and that together you will try to identify with them what they need for achievement in law school and the legal profession. When they are working well, many academic support classes develop a sort of workshop feel, with a "we're in it together" camaraderie that can do a great deal to help students develop a positive attitude about their own aptitude for learning law, and about the course itself.

At the same time, it is crucial to make it clear that improvements are the students' to make. You can serve only as backstop and guide toward successfully learning and applying law. There will always be a few students who would like to shift responsibility for their progress onto you, your class, or your school. As empathetic and encouraging as you might feel toward your students, it is a classic mistake not to challenge a negative attitude whenever you see glimmers of it. Find ways to state firmly yet supportively that the students themselves must decide that they want to learn to do excellent work and to apply themselves to the task. Any pessimism or defensiveness

expressed by even a few students could affect the atmosphere of your entire class, which is a disservice to the other students.

Ultimately, your course will not work for students unless both you and they are clear that law students are adults, and they are responsible for their own learning. On the other hand, this also means that they, not we, will deserve the credit when they succeed.

## II. Materials and Texts

Just as with any other course in law school, one of the earliest and most foundational decisions you will need to make about your ASP class is what required reading to assign. If your course covers a particular academic subject then naturally you will need to choose materials covering that topic. Even for this kind of embedded academic support course, though, you will likely want to supplement your subject-matter reading with materials focusing specifically on academic skills. For a stand-alone course you will almost certainly want a body of background reading to assign your students.

Unlike classes with specific legal doctrine to cover, however, there is little standardization in what kinds of reading to use to support your ASP teaching. Depending on your goals for the class and how you see the reading fitting into your course, you might want to choose material from one or more of the categories covered next.

### A. "HOW TO STUDY AND LEARN LAW" MANUALS

There are seemingly dozens of books on the market targeted to incoming or beginning law students that aim to help them become acclimated to learning in law school, and additional guides are released regularly. A more complete list of such texts can be found in the bibliography, but some of the more frequently referenced books include Ann L. Ijima, *The Law Student's Pocket Mentor: From Surviving to Thriving* (2007); Herbert N. Ramo, *Succeeding in Law School* (2d ed. 2010); and Ruta K. Stropus and Charlotte D. Taylor, *Bridging the Gap Between College and Law School: Strategies for Success* (3d ed. 2014).

Most of these are trade paperbacks. This has the advantage of making them comparatively inexpensive, which is an important