Classroom-Based Experiential Teaching: An Intellectual Property Illustration

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The Problems:

- Mismatch of teaching methods and learning goals
    - Incompleteness of the "thinking like a lawyer" premise of legal education
    - From the students' perspective: Divorce of teaching and practice
    - From the teacher's perspective: Inability to make productive use of time in practice
- Insufficient attention in law school to writing and composition skills
- Weak assessment methods
- Resource constraints: Limited support for collaborative teaching (one staff member, many students)

The (Still Evolving) Solutions:

Goals

- Inspire students to learn, and to learn by doing (rather than only by thinking). Focus is on doctrine in the context of higher-order, non-discipline specific cognitive and practical skills. Integrate "cognitive," "practical," and "professional" attributes of legal education.
- Cultivate in students a sensibility guided by accountability to clients.
- Give students abundant guided practice in critical writing that closely resembles what they may encounter in practice, characterized by high expectations, severe resource constraints, and uncertain, incomplete facts.

Methods

- Retain traditional casebooks.
- Assess students based on written responses to complex, incomplete hypos that ask "what should I do?" rather than "identify claims and defenses and assess their strengths and weaknesses." (I eliminate exams.)
- Incorporate complex hypos (up to 8-10 participants) into class sessions.
- Adopt client-centered focus; address ethics occasionally.

The (Still Evolving) Solutions:

Justifications

- Benefits of recognizing recursive relationship between thinking and experiencing (doing).
- "Writing to Learn" and "Writing in the Disciplines" literature.

Drawbacks

- Coverage.
- Time.
- Expertise (mine).
- Expertise (students').

Outcomes/evidence

The future?

- For me: Fuller simulations, beyond the case method; measuring outcomes; incorporating self-assessment by students; sequencing challenges.
- For you: ?
- For legal education: ??

Thank you.

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