

TEACHING THROUGH INTERACTIVE LEARNING

By:

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A primary goal of law school is to produce competent, empathetic, and ethical legal professionals.¹ To the extent that we can reach consensus that this is an appropriate aim (and I am hard pressed to form an argument that it is not at least a central goal of legal education), how we best achieve this goal invites significant debate. My key point in this short paper is not that there is a single proper approach that will ensure success in creating the “right” kind of lawyers. Rather, I believe the most effective teaching (and learning) comes from the use of multiple approaches in the classroom and beyond.

Students learn in a variety of different ways.² Therefore, effective teaching ideally incorporates methods designed to reach a range of learning styles.³ Most basically, some students are aural learners, some are visual learners, and others are kinetic learners (who absorb material by doing), and so on. Not only will more students be reached by the use of a mix of approaches to teaching law, but the experience of all law students will be enriched (and more interesting, hopefully) because of the students’ exposure to a variety of teaching methods.

The three primary approaches to legal education are lecture, the Socratic Method, and experiential learning. Throughout much of the world, students are taught law almost exclusively through lecture. Law schools in the United States are known for employing the so-called Socratic Method, a method by which a student and teacher engage in a classroom dialogue.⁴ Finally, most recently, especially in the United States, there has been a move toward experiential learning.⁵

None of these three approaches is without its benefits and drawbacks. Lecture can be quite effective as a means of conveying information. It is both efficient and cost effective. But pure lecture often fails to engage many of the students and does not endeavor to assist them hone their analytical skills. Passive learning can be perceived as a bit dull at best and enervating at worst.

Experiential learning, often taught through professional skills classes such as mediation or clinical courses, help students go beyond rule-learning and analysis; it pushes the students to be creative and evaluative.⁶ But experiential learning is also expensive, as it requires small classes and/or clinical

¹ Brian K. Landsberg, *Integrated Legal Education*, October 1, 2010. [Hereinafter Landsberg, *Integrated Legal Education*]. My colleague, Brian Landsberg, as Director of Pacific McGeorge’s China Experiential Legal Education Program, has written and spoken extensively about the importance of experiential learning in a global legal education perspective. I am indebted to him for his highly relevant input on this important topic.

² Robin A. Boyle & Lynne Dolle, *Providing Structure to Law Students: Introducing the Programmed Learning Sequence as an Instructional Tool*, 8 Legal Writing: J. Legal Writing Inst. 59, 64 (2002)

³ Benjamin V. Madison, III, *The Elephant in Law School Classrooms: Overuse of the Socratic Method as an Obstacle to Teaching Modern Law Students*, 85 U. Det. Mercy L. Rev. 293, 295 (2008). [Hereinafter Madison, *Socratic Method*.]

⁴ Amy R. Mashburn, *Can Xenophon Save the Socratic Method*, 30 T. Jefferson L. Rev. 597, 599 (“One of the Socratic method’s strongest footholds has been in traditional American legal education, where it has enjoyed apparent institutional primacy for almost a century and a half.”). Hereinafter Mashburn, *Socratic Method*.

⁵ See Deborah Maranville, *Infusing Passion and Context into the Traditional Law Curriculum Through Experiential Learning*, 51 J. Legal Educ. 51, 72 (2001) [Hereinafter Maranville, *Experiential Learning*.]

⁶ See Landsberg, *Integrated Legal Education*, *supra* note 1.

opportunities; it is perceived by some as something of a luxury, especially during difficult economic times.

Finally, there is the Socratic Method which, as I like to put it, enables the student and professor to engage in an analytical dialogue in the warm and supportive environment of the classroom. Or, put another way, the Socratic Method is “an educational strategy conducted through a question-and-answer-based dialogue among students and teachers.”⁷ The Socratic method, while an effective way of helping students develop analytical skills as they reason through various hypotheticals, has been criticized as being unnecessarily nerve-wracking, bordering on bullying.⁸ The Socratic Method has also been criticized as being inefficient because large amounts of class time may be spent on students who are under-prepared, which invites the other students to tune out.⁹ Lastly, the Socratic Method may not sufficiently help students develop the practical skills that they need to be effective lawyers.¹⁰

If done thoughtfully, however, the Socratic Method can be an effective means of engaging students. By treating the students respectfully and by actually welcoming their contributions to the classroom discussion, many students find the Socratic experience downright enlivening. While some professors select a single student for a Socratic interrogation, thereby leaving out the other students from the experience, a professor can engage a large number of students by asking questions of several students, bouncing among them during the class session. I have been startled by the number of upper year law students who have told me that they yearned for the zest of their first year because their upper-year classes have been less interactive.

The best teaching approach in large measure depends on the type of legal system into which the student will enter. Lectures may be better suited to the legal systems in non-adversarial system countries because of their cultural perspectives on the role of authority, the de-emphasis on case law, and the inquisitive process of the judicial systems, for example. But there is room for variety and innovation regardless of the legal system at hand. Even in the U.S., there is an increased preference for lecture in upper division courses with complicated subject matter.¹¹ At the same time, there is a move toward greater experiential learning, especially for upper-year students.

Ultimately, an ideal legal education would expose students to all of these approaches and more. By having exposure to various teaching methods, law students will more fully develop the skills needed to be the competent, empathetic, and ethical lawyer we expect them to be.

⁷ Mashburn, *supra* note 4, at 609.

⁸ See Patricia Mell, *Taking Socrates' Pulse*, 81 Mich. Bar J. 46 (2002)

⁹ See Madison, *Socratic Methods*, *supra* note 3.

¹⁰ *Id.*

¹¹ Mell, *supra* note 8, at 46.