Notice Students' Similarities - Not Differences [with previous generations]

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Notice Students' Similarities, Not Differences

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Today's students are much more savvy about electronic media—among other things—than former generations. When bored, they check out with rapid keystrokes; my classmates and I surreptitiously completed crossword puzzles by hand. Nevertheless, today's law students are fundamentally similar to previous generations. As we did, today's students want to know what their professors want from them. They will work hard when we set high expectations, and when they believe that we are working with them to reach those goals. They all need a lot of practice. They want a job when they graduate. They eat food.

These shared traits are where I concentrate my energies. In addition to using lots of food analogies, I am extremely explicit about what I expect, and I provide as many opportunities as possible for students to practice analyzing and writing.

Giving students explicit written expectations makes classes more effective—for them and for me. I typically explain that the class will run like a professional legal organization; they should behave like novice attorneys. The problem is that many students have no idea how attorneys are expected to behave. Since my job is to prepare them for the profession, and it is unfair for me to penalize them for what I have not taught, I give them written descriptions of professional behavior.

Students read that they must be prepared and attend all classes on time. They must not interrupt others, fail to raise their hands, dominate class meetings, instant message, have side conversations during class discussion, make disparaging comments about other students, or allow their cell phones to trill. Failing to meet these and other expectations will result in their earning a lower grade in the course.

Just as students' lack of professional behavior led me to be more explicit, so many students' lack of analytical and writing skills has led me to increase the "homework assignments" where they can practice these skills. For example, most students struggle to synthesize authorities to make a rule. This is not new; students have been floundering with this for decades. But students' synthesizing deficits do not warrant our holding them to a lower standard. Instead, it means that students need to see a professor model the synthesizing process, read and critique examples, and regularly rehearse that skill.

To create an environment where students can learn these skills, we require students to prepare writing assignments for almost every class. These include sections of a memo or brief, case matrices, case analyses, outlines, reverse outlines, oral argument questions, self-edits, peer-edits and cognitive self-assessments. Students usually mark up their copies in class as we collectively review the assignment; afterwards we read and provide minimal comments. Students' performance on these assignments is included in their "professionalism" score for the course.

Some colleagues decry this approach, saying that students should already have learned the fundamentals of both professionalism and analysis. Maybe, but my classmates and I did not all master those skills nearly 20 years ago, and students today are no different. I wish we had been given clearer and more rigorous expectations, and more chances to practice. If we had, we would have been better equipped to start practicing law. I intend for our students to be ready when it is their turn.