

I. Introduction

This book is meant to serve as a resource for new law professors, offering step-by-step, semester-long guidance on building and teaching a law school course. Our advice is by no means basic, and we hope that experienced teachers will find some useful ideas here. Much has already been written about law school teaching.¹ The last several years have seen a burgeoning interest in methods of legal instruction² and the design of law school curriculums.³ A growing number of articles and books discuss innovative classroom methods⁴ and assessment techniques⁵ — and one report catalogues an impressive array of “best practices” in legal education.⁶ There are also many blogs⁷ and websites,⁸ including an online newsletter,⁹ devoted to improving law school instruction.

Why, then, did we bother to write this book? Because most writings focus narrowly on specific teaching techniques or on particular law school courses. Only a few offer general advice to the new teacher.¹⁰ No author, to our knowledge, has ever furnished detailed and comprehensive advice on how to teach a law school course — from choosing a book and designing a syllabus to orchestrating the classroom experience to creating and grading the final exam.¹¹ That is the aim of this book.

Some overarching themes run through this book. Much of our advice is grounded upon the recognition that law teachers tend to underestimate the enormous barriers to effective communication with their students. It must be borne in mind that your audience is probably not comprised of students who are as gifted as you were.* Ideas or distinctions that you find crystal clear may well be opaque to your students. And the better you know your subject, the greater will be the risk that your students find you unintelligible.** Accordingly, this book will stress the need to be *transparent* with your students — to be open in revealing the structure of your course, identifying key points to be retained from a given lesson, situating the topic you’re covering in its larger doctrinal context, and flagging important transitions as you move through the semester.

Other themes flow from this fundamental point. Our emphasis on planning — singling out *in advance* particular goals, topics, and approaches to emphasize in your course — is intended to prevent students from perceiving your presentation as formless and rudderless. We advocate something akin to the “message discipline” successfully employed by modern presidential campaigns.¹² If you attempt to incorporate too many goals, too many topics, too many approaches into your course, you may create the impression that you have no plan at all. Even if you think you’re accomplishing more, the likely effect on your students will be to *impede* their capacity to digest what you’re throwing at them. Your chances for successful communication will be

* As a first-year student, you may not have been as brilliant as you now remember yourself to have been. It might be edifying if all new professors were required to go back and review the exams they wrote as first-year students.

** Mastery of a subject is often accompanied by a failure to remember how that subject looks to someone approaching it for the first time.

greatly enhanced if you sit down far in advance of your first classroom session, select a modest number of goals, topics, and approaches, and then focus on those selections throughout the semester.

Throughout this book, we stress the importance of strategy in conjunction with technique. It is easy to think of improvements in teaching as merely adding a few innovations or “tricks” to one’s repertoire. We do not underestimate the importance of specific classroom methods,¹³ but we try to make the case that prior strategic planning — of *what* you want to accomplish and *how* you’ll go about doing it — is just as important as any particular tactic, if not more so. We proceed from the premise that strategy precedes tactics, and tactics precede implementation.

No one reading this book will agree with us all the time. We don’t always agree with each other. But we have made a conscious decision to go beyond merely identifying issues, problems, or tensions facing a new law professor. Rather than just exhorting you to “consider X” or “take Y into account,” we have expressed our *preferences* — based on personal experience — in situations where there may be more than one way to proceed. If you take issue with how we come down on a particular topic, that’s fine. It means that we have flagged an issue needing decision, you have recognized it as an issue, and you have made a conscious choice (either to follow our advice or to go in a different direction). We recognize that “the facts on the ground” are different in every situation — the professor’s attributes, the students’ characteristics, the institutional norms, and so on. So even if our advice is strongly worded, we never mean to be dogmatic. With each piece of advice, what we’re really saying is: “Have you considered the following...?”

Finally, a word about politics. The advice contained in this book can be employed regardless of your ideological perspective and regardless of whether you consciously and overtly teach from that perspective. Our approach neither advocates nor discourages the incorporation of such perspectives as feminist theory, critical race theory, or law and economics. Our principal concern is with effective communication. The *content* of that communication is up to you.¹⁴ We believe that the approach we suggest will enhance your ability to reach your students, regardless of the message you are trying to convey.