Presentations                                    Faculty Publications and Presentations

7-22-2022

# Using Therapeutic Principles in the Legal Writing Classroom

Lauren E. Sancken
*University of Washington School of Law*, sancken@uw.edu

Mireille Butler
*University of Washington School of Law*, butlm@uw.edu

Phil Lentz
*University of Washington School of Law*, plentz@uw.edu

Follow this and additional works at: https://digitalcommons.law.uw.edu/faculty-presentations

Part of the Legal Education Commons

## Recommended Citation

# Using Therapeutic Principles in the Legal Writing Classroom

# WHO?

Mireille Butler,
Associate Teaching
Professor
Co-Director | Legal
Analysis, Research,
and Writing
UW School of Law

Phil Lentz,
Psychotherapist, UW
Counseling Center
Liaison to the UW
School of Law

Lauren Sancken,
Associate Teaching
Professor
Co-Director | Legal
Analysis, Research, and
Writing
UW School of Law

# Agenda

Based on research developed by the American Psychological Association, several psychological tools should be used in K-12 classrooms.

Our agenda today: Which of those tools make sense for law school students and how to use them.

Most students have LARW for an entire year, and this is often a small section in otherwise big law school experience. So, it's a safe space to integrate these principles.

**W**

# WHY?

The actual experience of students and teachers* supports the use of various therapeutic principles to promote a classroom space that fosters activity, expectations, cooperation, interaction, diversity, and responsibility, regardless of students' genders, cultural, ethnic, or racial backgrounds.

*_https://www.apa.org/education-career/k12/curricular-materials_*

*See also body of research by Carol Dweck at Stanford and Daniel Pink at Harvard*

**W**

# WHAT?

**Two major themes:**

**How, by learning basic therapeutic principles, and applying them to the legal writing classroom, legal writing professors can :**

**(1) support their students and motivate them to learn**

**(2) teach more effectively.**

W

# PRIMARY AND SECONDARY SCHOOL TEACHERS ARE TRAINED …

> The American Psychological Association (APA) has studied and recommended important principles from psychology for Pre-K-12 learning.
> The APA indicates that "psychological science has much to contribute to enhancing teaching and learning in the classroom."



**W**

# BUT NOT LAW SCHOOL FACULTY…

> **Unlike primary and secondary school teachers, most law professors do not have any formal training or experience with any of these psychological principles.**

> **As a result, legal teaching can be rigid, competitive, harsh, and ill-suited to meet the demands of students now facing an increasingly complex and painful world.**

# 5 PSYCHOLOGICAL PRINCIPLES FAMILIAR TO PSYCHOTHERAPISTS AND COUNSELORS THAT ENHANCE THE LEGAL WRITING CLASSROOM*

> **Cognition and learning**
> **Motivation**
> **Social and emotional dimensions**
> **Context and learning**
> **Assessment**

*https://www.apa.org/ed/schools/teaching-learning/top-twenty-principles.pdf*

**W**

# Cognition and learning: How do students think and learn?



> **Growth mindset**

Students' beliefs or perceptions about intelligence and ability affect their cognitive functioning and learning.

> **Prior knowledge**

Students' prior knowledge sets the framework for both conceptual growth (adding to existing knowledge) and conceptual change (correcting error in existing knowledge).

**W**

# Cognition and learning: How do students think and learn?

**Facilitating conceptual growth requires first obtaining a baseline level. But telling students to think differently may not be enough!**

**In Legal Writing, we can do so with a short IRAC assignment with one or two cases, but a somewhat murky analysis, so that the teacher can play an active role in showing how predictions could be faulty logically**

**W**

# Cognition and learning: How do students think and learn?

> **Facilitating context**

**Learning is based on context, so generalizing learning to new contexts is not spontaneous, but rather needs to be facilitated.**



**W**

# Cognition and learning: How do students think and learn?

How to generalize learning to the new context of legal writing?

Use simple examples:  Is a hot dog a sandwich?  No Vehicles in the Park?

Help students see application of their academic learning to the real world

**No Motorized Vehicles in the Park**

# Cognition and learning: How do students think and learn?

> **Practice**

**Acquiring long-term knowledge is largely dependent on practice. We can help students encode learned materials into long-term memory.**



**W**

# Cognition and learning: How do students think and learn?

Create a syllabus that builds from one thing to another to the final assignment – example of spring quarter brief assignment.

Create a schedule of repeated opportunities to practice, instead of quizzing only after explaining (which does not help with long term retention)

# Cognition and learning: How do students think and learn?

> **Feedback**

**Feedback should include:**

- **Reliable/Consistent/Transparent Expectations**
- **Respect for "prior knowledge" applied to a "generalized context" to foster a "growth mindset".**
- **Timeliness - a great way to avoid a student's anxiety of not-knowing (which often involves catastrophizing).**

**W**

# Cognition and learning: How do students think and learn?

> **Effective: "You wrote this, and I interpreted it this way. This is what I thought you should consider. Is that helpful or am I missing something?"**

> **Not effective: "This is wrong. It should be this instead."**

> **Effective: "Here are some things I noticed. Here's why I think they are good or bad. Here are some suggested adjustments."**

> **Not effective: "You're doing great."**

# Cognition and learning: How do students think and learn?

> **Self-regulation**

Students' self-regulation skills, including attention, organization, self-control, planning and memory strategies, assist in learning and can be taught as an integral part of the legal writing class.

But keep in mind – instructors shouldn't overwhelm themselves with this principle.  The therapeutic concept here is to focus on being a "good enough" instructor! Prioritize clear expectations and respect.

**W**

# Cognition and learning: How do students think and learn?



> **Take it "bird by bird" (or a step at a time)**
> **Share with students the importance of creating a plan for assignments**

***Tips:***

- *Create checkpoints throughout the quarter or semester so students do not fall behind*

- *Provide a roadmap/agenda for each class (goals of the lesson at the outset) to create a sense of structure and expectation*

- *Alert students when a new important concept is introduced*

- *Incorporate time for processing and time for activities in class*
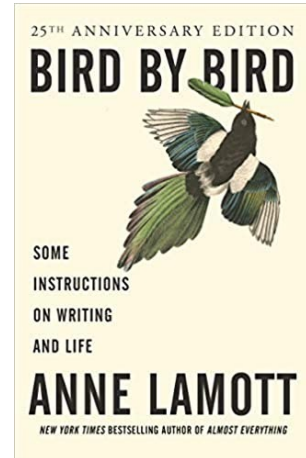
# Cognition and learning: How do students think and learn?

> **Creativity**

Creativity can be taught, nurtured and increased.

Creativity requires risk taking.

Risk taking requires trust.

Trust can be developed through direct instructions and both timeliness/clarity to expectations, all with respect for "prior knowledge" applied to a "generalized context" to foster a "growth mindset".

**W**

# Cognition and learning: How do students think and learn?

**Creativity in the legal writing classroom can include opportunities for student-designed research projects, group presentations, asking student's input in creating legal writing problems, but also video projects, and demonstrations.**

**Wearing a costume/getting in character during client interviews fostered class creativity!**



W

# Motivation:
# What motivates students?



> **Intrinsic motivation**

Students do better when they are intrinsically rather than extrinsically motivated to achieve.

> **Mastery of goals**

Students do better at processing information when they adopt mastery rather than performance goals.

> **Goal setting**

Setting goals that are short term (proximal), specific and moderately challenging enhances motivation more than establishing goals that are long term (distal), general and overly challenging.

**W**

# Motivation: What motivates students?

> **Therapeutic concepts to consider as an instructor:**

- **Avoid all-or-nothing thinking.**

- **Maintain your own introspective work.**

- **Know your own limits and insecurities, mostly so you don't project them onto your students.**

- **Be the "good enough" instructor and model behaviors.**

# Motivation: What motivates students?



> Instructors should acknowledge that extrinsic pressure exists for law school students.

> Still, instructors can increase intrinsic motivation through classroom practices supporting autonomy: get students involved in creating process for deadlines.

> Choose mastery over performance goals: avoid comparisons!

> Instead of overly ambitious, general goals (such as getting an A in the class) break down assignments in specific goals: mastery of bluebook citations; mastery of IRAC or CReAC, mastery of statutory interpretation, mastery of persuasive writing.

# Motivation: What motivates students?

So how to communicate high expectations for all students and avoid creating negative self-fulfilling prophecies?

Use techniques discussed earlier:  Respect for "prior knowledge" to validate student achievement. Transparent boundary setting to establish the high expectations you hold. Collaborative support with active listening and humility/respect in the feedback, particularly when those boundaries are inevitably tested.

# Social and emotional dimensions: How to foster healthy relationships with students?

> **Build Trust**

**Trust can be developed through respect for "prior knowledge" applied to a "generalized context" to foster a "growth mindset".**

**"Prior Knowledge" is often informed by the various communities to which students belong to (e.g. families, peer groups, schools, neighborhoods) and their culture (e.g. shared language, beliefs, values and behavioral norms) influence learning.**

# Social and emotional dimensions: How to foster healthy relationships with students?

> **Encourage students to share information about their background and learning style so that you can relate the curriculum to students' varied backgrounds and learning styles.**

> **Always be learning – Attend DEI trainings and be aware of DEI issues in the classroom.**

> **First-day questionnaire helps set some of the groundwork—giving students a way to provide interim feedback about themselves and the class.**



INTROVERT                          EXTROVERT

W

# Social and emotional dimensions: How to foster healthy relationships with students?

Using emotional vocabulary—for example, facilitating student labeling of emotions (e.g., happy, sad, fearful, angry).

Modeling appropriate emotional expression and reactions. Teaching emotion regulation strategies, such as "stop and think before acting" and deep breathing. Promoting emotional understanding of others, such as empathy and compassion.

**W**

# Context and learning: How can the classroom best be managed?

> **Classroom conduct**

**Effective classroom management is based on:**

**(a) setting and communicating high expectations,**

**(b) consistently nurturing positive relationships, and**

**(c) providing a high level of student support.**

**W**

# Context and learning: How can the classroom best be managed?

> **First two weeks of class typically crucial in setting classroom behavior and expectations.  Don't wait until the mid-point to see if there are any questions or feedback (mid-semester or mid-quarter evaluations).**

> **Proactive disciplinary strategies work better than reactionary ones.  Need to balance high expectations and structure with support.**

> **In the legal writing classroom, use of in-person feedback appointments instead of office hours, meetings on assignments (in groups or on an individual basis).**
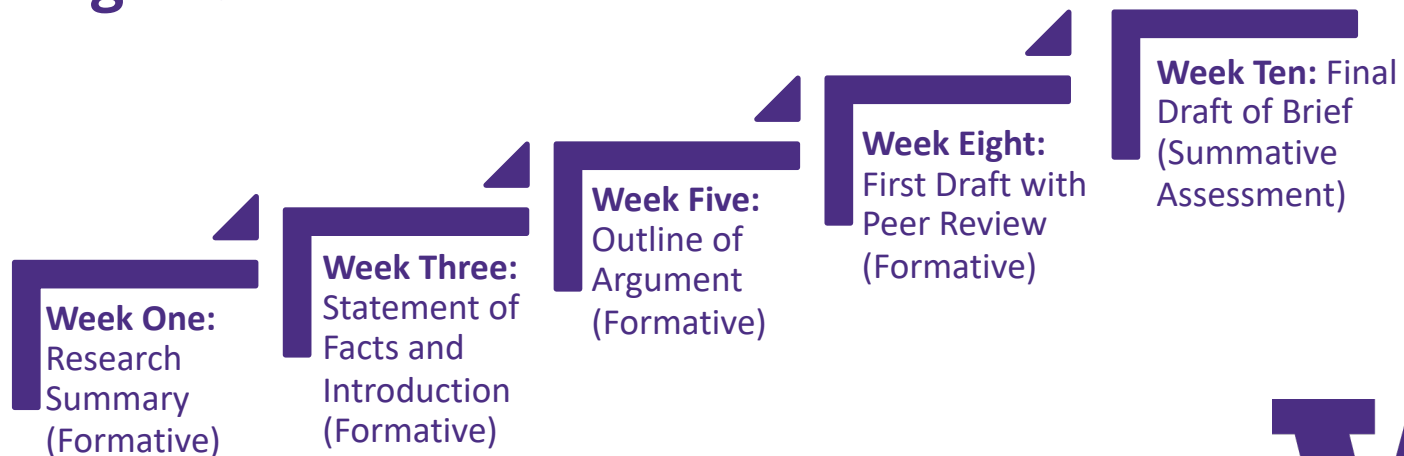
# Assessment: How is student progress assessed?

> **Formative and summative assessments**

- **Formative assessments, in the service of ac learning goals, can be done throughout the instruction period.**
    - *May include discussion, collaboration, self- and peer assessment, and descriptive feedback*

- **Summative assessments, given their purpose of evaluating progress against a benchmark, are typically only done at the end of the instruction period.**
    - *May involve a final memorandum or brief for an overall score or performance-level designation*

# Assessment: How is student progress assessed?

> The goal of each is to produce a fair result.  Use both types of assessment but make sure that each is tied to what is being taught.

> Keep the length of time between the formative assessment and subsequent interventions relatively short; this is when effects on student learning will be strongest.

**Week One:** Research Summary (Formative)

**Week Three:** Statement of Facts and Introduction (Formative)

**Week Five:** Outline of Argument (Formative)

**Week Eight:** First Draft with Peer Review (Formative)

**Week Ten:** Final Draft of Brief (Summative Assessment)

W

## Assessment: How is student progress assessed?

Use of rubrics, but what are the most helpful rubrics? Rubrics should be both obvious to students (hey, this is what we've been talking about in class!!) and provided before the assignment to be most effective.

What comparisons are the assessment data based on? Are students being compared to one another? Or, instead, are students' responses being directly compared to samples of acceptable and unacceptable responses that the teacher or others have provided? How is that achievable with the law school curve?

**W**