IMPROVING TEACHING AND LEARNING IN LAW SCHOOL: FACULTY DEVELOPMENT RESEARCH, PRINCIPLES, AND PROGRAMS

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*"A law school shall to ensure effective teaching by all persons
providing instructions to students."* [1]

How can we improve our teaching and our students' learning? What can we do to inspire and support our colleagues' efforts to become more effective legal educators? What principles guide the design, implementation, and evaluation of faculty development programs? This article explores those questions through the literature on faculty development for instructional improvement in college and law school.

Faculty development activities aimed at improving law teaching and learning occur at both individual and institutional levels. Many law faculty members work alone to improve their teaching by reading literature on education, reflecting on their teaching, and gathering feedback from students. Small groups of teachers collaborate by observing one another's classes and engaging in conversations about pedagogy. Law schools provide opportunities for faculty members to receive training in instructional technology, to participate in workshops or retreats at the school dealing with teaching, and to attend regional or national meetings and conferences concerning legal education. Several organizations provide faculty development resources and programs for law teachers, including the Association for American Law Schools, the Legal Writing Institute, the Society of American Law Teachers, the Center for Computer-Assisted Legal Instruction, and the Institute for Law School Teaching. This article is intended to inform all of those efforts.

Part I of this article defines faculty development and describes the broad range of topics relevant to the improvement of teaching and learning. Part II synthesizes a set of principles for designing effective faculty development activities and programs. Part III explores in depth the central role of feedback and pedagogical knowledge in instructional improvement. Finally, Part IV articulates a model for evaluating faculty development programs and summarizes the empirical studies that assess the effectiveness of instructional improvement activities.

1. AMERICAN BAR ASSOCIATION, SECTION ON LEGAL EDUCATION AND ADMISSION TO THE BAR, STANDARDS AND RULES OF PROCEDURE FOR APPROVAL OF LAW SCHOOLS STANDARD 403(b) (2004-2005).

I. Defining Faculty Development for Instructional
Improvement

Broadly defined, faculty development includes processes to help faculty members with personal development, such as enhancing interpersonal skills and wellness, and to increase their competence in all major aspects of their professional roles—teaching, scholarship, and service.[2]   In this article, the term "faculty development" has a narrower scope. It is limited to programs and activities intended to improve faculty members' teaching and, consequently, their students' learning.[3]   Faculty development can address many aspects of teaching and learning.

Instructional Awareness

A critical step in the process of improving instruction is for teachers to increase their awareness of their current teaching philosophy and practice.[4] What do teachers believe about the purpose of legal education and the role of a teacher? What assumptions do teachers hold about teaching and learning? What types of verbal and nonverbal behavior do teachers exhibit in and out of the classroom when interacting with students? Many teachers are unaware of aspects of their own teaching behavior and their deeply ingrained assumptions

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2. *See* Jeffery W. Alstete, Posttenure Faculty Development: Building a System for Faculty Improvement and Appreciation 31-32 (2000). The broad definition of faculty development is consistent with the Bylaws of the Association of American Law Schools, which provides: "Faculty Development. a. A member school shall maintain conditions conducive to the faculty's effective discharge of its teaching and scholarly responsibilities and service obligations." Association of American Law Schools, AALS Handbook: Bylaws and Executive Committee Regulations Pertaining to the Requirements of Membership, Bylaw Section 6-6a (2005), *available at* http://www.aals.org /about_handbook _requirements.php.

3. Higher education literature sometimes considers faculty development to be a subset of development efforts to improve college teaching. For example, some researchers use a three-part classification system:

> *Faculty development*: programs to promote faculty growth, to help faculty members acquire knowledge, skills, and sensitivities.

> *Instructional development*: programs that facilitate student learning, prepare learning materials, and redesign courses.

> *Organizational development*:   programs to create an effective organizational environment for teaching and learning[.]

Kenneth E. Eble & Wilbert J. McKeachie, Improving Undergraduate Education through Faculty Development 11 (1985). In this article, faculty development includes all three types of programs.

4. Maryellen Weimer, Improving College Teaching 34 (1990).

about education. Others may be surprised that some of their teaching practices are at odds with their own educational philosophy.[5]

Theory and Research on Teaching and Learning

A deeper understanding of students and their learning can help teachers become more effective.[6] Research and literature about learning theory, learning styles, student motivation, and factors that inhibit and enhance learning provide valuable information to teachers. Knowledge about students and their learning establishes a foundation teachers can use to examine and rethink some of their current assumptions and teaching practices.[7]

Insights from Colleagues, Students, and Consultants

To understand the impact of their instructional philosophy, policies, and practices, teachers need feedback from others. Peers and consultants who observe classes can offer insights on how teachers' methods and behaviors come across. Students can provide information on how teaching practices and policies affect their motivation and learning.[8]

New and Refined Teaching Skills

A common focus of faculty development programs is the refinement of current teaching skills and the development of new ones.[9] Fruitful areas for exploration include active learning methods (*e.g.*, Socratic dialogue, discussion, writing, simulation, problem solving, experiential learning), instructional

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5. WEIMER, *supra* note 4, at 36. Teachers share with other professionals the lack of awareness of the conflict between their professional philosophy and their behavior.

> According to [Donald] Schön, professionals employ two types of theories of action to explain their behavior. Theories of action include the values, strategies, and underlying assumptions that affect behavior. Professionals have espoused theories to explain or justify behavior (e.g., a teacher informs the class that one of the teacher's primary goals is to help each student succeed in the course). However, espoused theories often conflict with theories-in-use, which are implicit in the professional's behavior (e.g., the teacher is difficult to contact outside of class, does not know the students' names, and provides no opportunity for feedback to students during the course). People often are unaware of their theories-in-use and are surprised to discover that they conflict with their espoused theories.

Gerald F. Hess, *Learning to Think Like a Teacher: Reflective Journals for Legal Educators*, 38 GONZ. L. REV. 129, 131 (2002-2003) (citations omitted).

6. EBLE & MCKEACHIE, *supra* note 3, at 14.

7. *See id.* at 14-15; WEIMER, *supra* note 4, at 36-37.

8. *See* WEIMER, *supra* note 4, at 37-38. The central role of feedback in faculty development is addressed in Part III below.

9. *See* EBLE & MCKEACHIE, *supra* note 3, at 14.

technology, course and class planning, small group activities, formative feedback to students during the course, evaluation of student performance, and many others.

Interpersonal Relationships with Students

Interpersonal relationships between teacher and students are critical to learning and teaching. Learning is enhanced if students sense that their teachers care about them.[10] Many effective faculty members work closely with students in and out of the classroom and serve as mentors for students. Faculty members can learn skills to help them develop healthy, productive relationships with students.[11]

Faculty Motivation and Passion

Highly motivated faculty members who are enthusiastic about their teaching are most likely to be effective.[12] Teachers' passion for their courses and attitude toward students are key ingredients in an effective teaching and learning environment.[13] Faculty development activities that foster teachers' intrinsic motivation can inspire teachers to renew their commitment to excellence in teaching.[14]

Continuous Improvement

An important aspect of faculty development is the process of continuous improvement. Teachers can engage in a cycle of instructional improvement by becoming more aware of their own teaching, gathering feedback about the effects of their teaching practices and policies, deciding what elements of their teaching need change, implementing changes, and assessing the effects of those changes.[15] Faculty development programs that facilitate continuous improvement can, over time, have significant benefits for teachers and students. [16]

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10. Gerald F. Hess, *Heads and Hearts: The Teaching and Learning Environment in Law School*, 52 J. LEGAL EDUC. 75, 92-93 (2002).

11. EBLE & MCKEACHIE, *supra* note 3, at 15; Hess, *supra* note 10, at 92-93.

12. EBLE & MCKEACHIE, *supra* note 3, at 15.

13. Hess, *supra* note 10, at 104.

14. EBLE & MCKEACHIE, *supra* note 3, at 15-16.

15. WEIMER, *supra* note 4, at 34-42.

16. *See id.* at 32-34.

II. PRINCIPLES FOR DESIGNING EFFECTIVE FACULTY DEVELOPMENT
PROGRAMS

Teaching and learning are complex phenomena. Consequently, the improvement of instruction is not simple, easy, or quick. Fortunately, individuals and institutions engaged in the effort to enhance teaching effectiveness can profit from the extensive scholarship on faculty development. A set of principles for designing successful faculty development programs emerges from that literature.

Recognize the Obstacles to Improving Teaching

Faculty development programs can face barriers raised by institutional culture and individual faculty members. Many universities value research and publication over teaching excellence.[17] The quantity and quality of faculty members' publications are often the deciding factors in tenure and promotion decisions. In such an environment, many faculty members will make the rational choice to expend their greatest efforts on research and writing rather than on raising the quality of their teaching.[18]

Faculty members' persistent misconceptions about teaching and learning present obstacles as well. One misconception is, if teachers know the content well they can teach it well. While knowledge of the subject matter is an essential element of good teaching, it will lead to effective teaching and learning only if coupled with pedagogical skill.[19] Another misconception is that good teachers are born, not made. However, research shows that successful teachers learn how to teach and continue to improve their instructional skills and pedagogical knowledge by working on them over time.[20] In addition, some faculty members fail to acknowledge that differences in students' experiences, backgrounds, learning styles, and needs call for a variety of teaching methods. No single method works for every student or to accomplish every educational goal.[21] Finally, fascinating empirical research shows that over ninety percent of college and university faculty members rate their own teaching as above average.[22]

Several personal factors inhibit teachers from participating in faculty development. First, the exploration of teaching and learning theory and

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17. LARRY KEIG & MICHAEL D. WAGGONER, COLLABORATIVE PEER REVIEW: THE ROLE OF FACULTY IN IMPROVING COLLEGE TEACHING 2 (1994); WEIMER, *supra* note 4, at 15-16.

18. *See* WEIMER, *supra* note 4, at 16 & 134.

19. KEIG & WAGGONER, *supra* note 17, at 3; WEIMER, *supra* note 4, at 4-5.

20. KEIG & WAGGONER, *supra* note 17, at 3-4; WEIMER, *supra* note 4, at 5-7.

21. *See* KEIG & WAGGONER, *supra* note 17, at 5; WEIMER, *supra* note 4, at 12-13.

22. William E. Maxwell & Edward J. Kazlauskas, *Which Faculty Development Methods Really Work in Community Colleges? A Review of Research*, 16 COMMUNITY/JUNIOR C. Q. OF RES. AND PRAC. 351, 352 (1992).

practice can be threatening to faculty members. They may fear that faculty development programs will reveal flaws in their current teaching policies and practice.[23] Further, some faculty members have experienced previous faculty development programs that they found to be unhelpful and a waste of time. Or, they may have made previous changes in their teaching that seemed to backfire.[24] Finally, the process of improving teaching takes hard work, diligence, and perseverance.[25] Some teachers choose not to put that level of effort into this part of their professional life.[26]

Clearly Define the Relationship Between Faculty Development and Faculty Evaluation

Most universities and law schools evaluate faculty members' performance for purposes of retention, promotion, tenure, and compensation. That summative evaluation process usually assesses performance in all portions of a faculty member's role, including teaching, scholarship, and service.[27] Rigorous, summative evaluation of teaching that plays a significant role in personnel decisions can help ensure that the decisions are made fairly and can demonstrate an institutional commitment to quality teaching.[28] However, there is general agreement among researchers that the summative evaluation process has little positive effect on improving teaching.[29]

Faculty development aims to improve teaching through formative assessment rather than to judge teaching through summative assessment. The formative assessment process gathers data and diagnostic feedback, which suggest changes in pedagogical policies and practices to enhance the effectiveness of teaching and students' learning.[30] Although the summative and formative processes may gather data from the same sources (*e.g.*, the teacher, peers, students, administrators), most researchers recommend that the

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23. WEIMER, *supra* note 4, at 17.

24. *See id.* at 18.

25. KEIG & WAGGONER, *supra* note 17, at 7.

26. There are many reasons why a faculty member may choose not to put significant time and effort into the improvement of teaching. Some faculty members are not willing to work hard on any aspect of their faculty role—teaching, scholarship, or service. Others believe that their teaching is quite good and choose to focus their energy on scholarship or service. Some feel that the demands of their faculty and family roles are so overwhelming that they simply cannot spare the time to devote to faculty development, even though they would like to do so.

27. *See* KEIG & WAGGONER, *supra* note 17, at 1, 11-12.

28. MICHAEL B. PAULSEN & KENNETH A FELDMAN, TAKING TEACHING SERIOUSLY: MEETING THE CHALLENGE OF INSTRUCTIONAL IMPROVEMENT 36-37 (1995). A comprehensive system for evaluation of teaching for personnel decisions should include evaluations by the candidate, peers, students, and administrators.

29. KEIG & WAGGONER, *supra* note 17, at 1 & 8.

30. *Id.* at 12-13.

processes proceed independently.[31] Nearly all scholars "agree that it is unwise and counterproductive" to use the information collected for formative assessment when making personnel decisions.[32]   Keig and Waggoner summarize this discussion well:

> Faculty evaluation should include largely separate formative and summative tracks. Summative evaluation, including rigorous quantitative and qualitative data-gathering and analysis, is essential for maintaining the academy's integrity; formative evaluation, including equally rigorous descriptive strategies, along with ample feedback and opportunities for practice and coaching, is necessary for improving teaching.[33]

Foster Faculty Leadership in Program Design and Delivery

To be effective, faculty development programs must come from the faculty. Teachers should play leadership roles in all phases of the faculty development effort: planning, design, delivery, and assessment.[34] Faculty development efforts that are designed and imposed by the administration run the risk of a cool faculty response or outright rejection.[35]   On the other hand, faculty involvement in program design, delivery, and guidance increases faculty commitment to and responsibility for the program's success.[36] High levels of faculty input and ownership in faculty development programs correlate with the amount of faculty participation, faculty satisfaction with the program, and changes in faculty attitudes about teaching.[37]

Demonstrate Administrative Support

Effective faculty development requires the "unambiguous commitment and support of senior administrators."[38]   The law school dean must provide financial support for the program and give teaching improvement activities high visibility. The dean plays a critical role in communicating to the faculty, students, and alumni that teaching excellence is a core value of the

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31. *Id.* at 13-14.

32. KEIG & WAGGONER, *supra* note 17, at 13. Although the recommendation to separate the formative and summative evaluation of teaching makes good sense, it can be difficult to implement in practice. Peers and administrators may be involved in both processes and may have difficulty ignoring the information and impressions they form of a candidate's teaching in the formative process when they make personnel decisions. And, some scholars believe that the data gathered in summative evaluation process can be used productively in the formative assessment process to improve teaching. *Id.*

33. *Id.* at 134.

34. *Id.* at 110-111, 137; ALSTETE, *supra* note 2, at 68-69; PAULSEN & FELDMAN, *supra* note 28, at 29-30.

35. KEIG & WAGGONER, *supra* note 17, at 137.

36. ALSTETE, *supra* note 2, at 69.

37. EBLE & MCKEACHIE, *supra* note 3, at 203-04.

38. PAULSEN & FELDMAN, *supra* note 28, at 28.

institution.[39] The most successful professional development programs occur when the administration and faculty have shared values about teaching and collaborate in the program design.[40]

Build on Faculty Members' Intrinsic Motivation to Improve Their Teaching

Participation in faculty development programs should be voluntary. To "require" faculty members to engage in faculty development is not likely to result in instructional improvement; instead, it is likely to lead to resistance and resentment. [41] But, when teachers have intrinsic motivation to participate in faculty development, the "effects on instruction are more enduring, faculty attitudes are more positive, and faculty commitments to continued improvement are stronger."[42]

Faculty development is for *all* faculty members, not just those who "need" to improve their teaching. All teachers can enhance their effectiveness through increased knowledge about teaching and learning, reflection and feedback on current practices, learning new skills, and refining existing ones.[43] The participation of good and excellent teachers in faculty development activities has several additional benefits. It sends the message that effective teaching is not an accident of birth but a complex set of knowledge, skills, and attitudes that must be developed through ongoing effort.[44] The involvement of good teachers can make the discussions about teaching, learning, and students more positive rather than focusing on the "cynicism often expressed by ineffective, disillusioned" teachers.[45] If good teachers participate and are enthused with the faculty development activities, it blunts the perception that faculty development is "remedial" and encourages less confident teachers to participate.[46]

Faculty members should not only decide whether to participate in faculty development, but they should choose the extent and nature of their participation as well. Teachers should be in control of their own faculty development. They should decide which faculty development activities will be most valuable for them (workshops, discussions with peers, individual reflection), the aspects of their teaching to address (active learning methods, evaluation of students, instructional technology), the sources of feedback

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39. *See id.* at 28-29.
40. *See* PAULSEN & FELDMAN, *supra* note 28, at 29; EBLE & MCKEACHIE, *supra* note 3, at 203-04.
41. WEIMER, *supra* note 4, at 21-22.
42. *Id.* at 22.
43. *See id.* at 22-23.
44. *See id.* at 23.
45. *Id.*
46. WEIMER, *supra* note 4, at 23-24.

about their current teaching practices (students, peers, videotape), and which changes to make in their teaching. Teachers' control over their own faculty development can reduce the threat of participating and increase intrinsic motivation to improve teaching. [47]

Link Faculty Development to the Institution's Reward Structure

Universities and law schools have traditions of supporting scholarship with summer stipends, course reductions, release time, and preferential scheduling. The same rewards can support faculty development and increase faculty members' incentives to work on improving their teaching.[48] In academia, among the most significant rewards are tenure and promotion.   Schools that are serious about the value of teaching excellence in tenure and promotion decisions will use the faculty development process to help faculty members succeed.[49]   Another major reward in academia is the sabbatical leave.[50] Institutions should support faculty members who choose to devote their sabbaticals to instructional improvement.

Foster Community, Collegiality, and Collaboration

An overriding aim of a faculty development program should be to establish a sense of community around issues of teaching and learning. Effective faculty development programs begin not with pedagogical content and skills, but with helping faculty members to listen to and respect one another.[51] Research shows that "one of the most important characteristics of a positive teaching culture is the opportunity for collegial interaction and collaboration about teaching."[52]   Research on faculty collaboration on teaching identifies

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47. WEIMER, *supra* note 4, at 24-26. WEIMER draws a cogent comparison between faculty development and student learning:

> Improving teaching is very much like teaching students. We do our best to make the content understandable, to make students see its value and importance, to create a climate in which students can experience the content safely. When all is said and done, however, it is the student and the student alone who does the learning. Similarly, it is the teacher alone who changes the teaching.

Id. at 25.

48. KEIG & WAGGONER, *supra* note 17, at 142; Jack Meacham & Jeannette Ludwig, *Faculty and Students at the Center: Faulty Development for General Education Courses,* 46 J. GEN. EDUC. 169, 180-81 (1997).

49. *See* Meacham & Ludwig, *supra* note 48, at 181 (based on the results of a study of eleven campuses making efforts to create or maintain a positive teaching climate).

50. EBLE & MCKEACHIE, *supra* note 3, at 175-176.

51. *Id.* at 175-76.

52. PAULSEN & FELDMAN, *supra* note 28, at 33.

major benefits to teachers, including the improvement of teaching, increased intellectual stimulation, and reduction in feelings of isolation.[53]

Many universities suffer from a lack of collegiality among faculty members.[54] Faculty development programs can open lines of communication among faculty members as they collaborate in critiquing and supporting one another's teaching. Increased communication and collaboration can improve faculty morale and, consequently, faculty commitment to teaching and learning.[55]

Make Faculty Development a Continuous Process

Faculty development should be an ongoing process, not a one-time event. By extending faculty development activities throughout the year, faculty members can maintain collaborative relationships, explore new scholarship on teaching and learning, share ideas on pedagogy, and absorb new members into the teaching community.[56] Effective faculty development programs involve substantial time and effort from teachers, not short-term "quick fixes."[57] Empirical research establishes the benefits of programs that extend "over a full-semester, a year, or more."[58] Finally, faculty development programs are more likely to lead to lasting changes in teaching if they include follow-up activities, such as refresher training, reports to colleagues on instructional changes implemented, or assessment of the effects of new teaching techniques on student learning.[59]

III. THE ROLE OF FORMATIVE FEEDBACK AND PEDAGOGICAL KNOWLEDGE IN FACULTY DEVELOPMENT

Formative feedback and pedagogical knowledge are critical to the improvement of teaching and learning. To make thoughtful changes in teaching, faculty members need information on the strengths and weaknesses of their current practices and how those practices enhance or hinder student

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53. *Id.* (citation omitted). *See also* John D. Emerson & Frederick Mosteller, *Development Programs for College Faculty: Preparing for the Twenty-First Century*, 25 EDUC. MEDIA & TECH. Y.B. 26 (2000) (review of empirical research on faculty development). "Successful faculty development programs usually involve a *collaborative* approach to making changes. This finding is robust." *Id.* at 29. (emphasis in original).

54. EBLE & MCKEACHIE, *supra* note 3, at 16.

55. *Id.*

56. Meacham & Ludwig, *supra* note 48, at 180-81.

57. KEIG & WAGGONER, *supra* note 17, at 137.

58. Emerson & Mosteller, *supra* note 53, at 29.

59. *See* EBLE & MCKEACHIE, *supra* note 3, at 205.

learning. Then, teachers can consider alternative methods, policies, and ideas to implement and improve their instruction.[60]

Empirical research demonstrates that faculty members are primarily motivated by the intrinsic rewards of academic work, including teaching.[61] Intrinsically motivated teachers want to be competent and to feel a sense of self-determination. The need for self-determined competence leads faculty members to seek out feedback about their performance and strategies for improving their teaching.[62] Primary sources of formative feedback and pedagogical knowledge include the teacher, students, colleagues, and consultants.[63]

Self-Assessment, Reflection, and Study

Faculty members are quite capable of providing their own faculty development through individual assessment, reflection, and study. For many teachers, the most important source of information is their own observation of their teaching.[64] Teachers engage in self-assessment by thinking about their teaching experiences, their educational philosophy, and their instructional successes and struggles.[65]

Rating scales and inventories can help teachers engage in self-assessment. For example, faculty members can analyze their own teaching behaviors by filling out the same course evaluation form that the students complete at the end of the term. Empirical studies show that most teachers' self-assessments agree with their students' assessments of areas of relative strengths and weaknesses in their teaching.[66] Inventories are designed to help a faculty member assess the presence, absence, and extent of instructional behaviors.[67] They are especially effective in helping teachers become more aware of their teaching actions in and out of the classroom.[68] For example, there are inventories adapted to legal education to help law teachers assess their teaching in the context of seven empirically derived principles for enhancing learning:[69] encouraging student-faculty contact; fostering cooperation among students; encouraging active learning, giving prompt feedback; emphasizing

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60. *See* WEIMER, *supra* note 4.

61. PAULSEN & FELDMAN, *supra* note 28, at 39.

62. PAULSEN & FELDMAN, *supra* note 28, at 39-40.

63. *Id.* at 40.

64. *Id.*

65. *See id.* at 41 & 46.

66. *Id.* at 46-47.

67. WEIMER, *supra* note 4, at 77.

68. *Id.*

69. Gerald F. Hess, *Seven Principles for Good Practice in Legal Education: History and Overview*, 49 J. LEGAL EDUC. 367, 367-70 (1999).

time on task; communicating high expectations; and respecting diverse talents and ways of learning.[70]

Reflection on teaching can help faculty members to become more aware of their teaching assumptions and behaviors, to articulate a coherent teaching rationale, and to make informed changes in their instructional practices.[71] One valuable vehicle for reflection is a teaching portfolio. Faculty members in colleges and law schools have used teaching portfolios to engage in faculty development.[72] A teaching portfolio gathers evidence of a teacher's best work, such as syllabi, course materials, assignments, student work, a videotape of teaching, and student and peer evaluations of teaching.[73] More importantly, portfolios should contain reflective documents, including the teacher's comments on the evidence in the portfolio, a statement of teaching philosophy, and teaching goals for the future.[74] Constructing portfolios can help teachers improve their effectiveness by thinking deeply about their teaching, rethinking teaching practices, and planning for the future.[75]

Another excellent tool for reflection is a teaching journal.[76] By writing regularly in a journal (for example, once a week for one-half hour or after each class for ten minutes), teachers can develop the habit of reflection and reap many benefits of reflective practice. Journals can serve as a useful device for creating a comprehensive account of the teacher's experience, recording ideas, setting goals, and planning instruction.[77] Journal writing helps teachers to clarify their assumptions and theories about teaching and learning, to evaluate the effectiveness of instructional practices, and to identify alternative methods to use in the future.[78] Teachers can use journals to analyze problems and to work through the strong emotions that accompany teaching. Journals can be a vehicle for teachers to integrate their personal and professional selves and to engage in a lifelong, reflective learning process.[79]

Finally, there are vast print and electronic resources in higher and legal education to facilitate self-directed faculty development. Journal articles, books, newsletters, videotapes, and websites address pedagogical theory and

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70. *See* Institute for Law Teaching, *Seven Principles for Good Practice in Legal Education: Faculty Inventories*, 49 J. LEGAL EDUC. 462, 462-66 (1999).

71. Hess, *supra* note 5, at 136-37.

72. PAULSEN & FELDMAN, *supra* note 28, at 48-51; Susan R. Dailey, *Integrating Theory and Practice Through Teacher Portfolios*, 4 LEGAL WRITING: J. LEGAL WRITING INST. 149 (1998) (a thorough discussion of teaching portfolios for faculty development in legal education).

73. Dailey, *supra* note 72, at 155.

74. *Id.* at 156.

75. *Id.* at 153-56.

76. For a comprehensive discussion of reflective journals to improve law teaching, *see* Hess, *supra* note 5.

77. *Id.* at 140.

78. *Id.* at 143.

79. *Id.* at 140-45.

practical teaching ideas.[80] Reading and viewing these resources can help faculty members improve their own teaching in several ways—by causing teachers to reflect on their own instructional practices, by infusing teachers with new ideas, and by inspiring faculty members to take reasonable risks and exert the effort needed to improve teaching and learning.[81]

Formative Feedback from Students

By far, the most common method of evaluating teaching in higher education, including law school, is the end-of-the-course, written, student evaluation.[82] Although the use of student evaluations of teaching for purposes of making retention, tenure, promotion, and salary decisions is beyond the scope of this article,[83] they can play a role in faculty development as well. Many college teachers report that student evaluations provide useful feedback that leads to improvements in teaching.[84] A legal educator concludes that written student comments on evaluations can provide teachers with formative feedback and helpful suggestions for improvement in areas such as the teacher's clarity, delivery, organization, punctuality, fairness, demeanor, empathy, and availability outside of class.[85] To encourage the use of student evaluations for faculty development, one law school dean asks faculty members each year to "briefly reflect on what you have learned from review of your most recent student teaching evaluations and any changes that you contemplate making (or have already made) as a result of this student feedback."[86]

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80. The Appendix to this article identifies a sample of the books, newsletters, and videotapes most applicable to legal educators, and collects some of the tools to facilitate access to relevant journal articles and websites.

81. WEIMER, *supra* note 4, at 84-89. Re-reading and re-viewing print and video resources is valuable, because teachers can gain different insights from these activities at different stages of development.

82. PAULSEN & FELDMAN, *supra* note 28, at 53 (in a 1989 survey, ninety-nine percent of colleges and universities used student evaluations of teaching); Richard L. Abel, *Evaluating Evaluations: How Should Law Schools Evaluate Teaching*, 40 J. LEGAL EDUC. 407, 456 (1990) (in 1989, 145 of 147 law schools responding to the AALS Questionnaires on Evaluation of Teaching Performance indicated that they used student questionnaires to evaluate the quality of teaching).

83. For articles that primarily address the role of student evaluations in personnel decisions, *see* Abel, *supra* note 82, and William Roth, *Student Evaluation of Law Teaching*, 17 AKRON L. REV. 609 (1984).

84. PAULSEN & FELDMAN, *supra* note 28, at 54 (results of seven surveys of college teachers reveal that sixty-seven percent believe student evaluations are useful, and eighty percent stated that student evaluations led to improved teaching).

85. David D. Walter, *Student Evaluations--A Tool for Advancing Law Teacher Professionalism and Respect for Students*, 6 LEGAL WRITING: J. LEGAL WRITING INST. 177, 191-217 (2000).

86. E-mail from Lawrence R. Dessem, Dean, University of Missouri-Columbia School of Law, to Gerald Hess, Professor of Law, Gonzaga University School of Law (July 5, 2005) (on file with author).

Despite the potential benefits of end-of-the-term student evaluations for faculty development, some law teachers are reluctant to use them due to a lack of confidence in the value of student evaluations and the pain that comes from reviewing negative comments.[87]   Fortunately, several devices for gathering formative feedback from students during the course are excellent faculty development tools, including written questionnaires, simple techniques to assess student learning, and student advisory teams. These devices help teachers gather feedback from students about their learning so the teachers can make reasonable adjustments in teaching methods during the rest of the course to maximize students' learning.[88]

Teachers can design simple written questionnaires to obtain feedback from students during the course. The questionnaire can focus on a specific aspect of teaching (instructional technology, simulation exercises, course materials, etc.) or can address the teaching and learning in the course as a whole. Either way, the questionnaire should be formative rather than evaluative. In other words, the questionnaire should ask students to assess how teaching methods are affecting their learning and to make suggestions for improvement, rather than ask them to rate the quality of the teaching.   For example, the questionnaire could ask three general questions: (1) What teaching/learning methods have been most effective for you in this course?;   (2) What teaching/learning methods have been least effective for you in this course?; and (3) What other teaching/learning methods should we try in this course? The teacher should summarize for students the results of the questionnaire

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87. *See* Walter, *supra* note 85, at 179-81, 188-91.

88. These methods of gathering feedback from students are examples of classroom assessment. For a description of the underlying assumptions and characteristics of classroom assessment techniques, *see* Gerald F. Hess, *Student Involvement in Improving Law Teaching and Learning*, 67 UMKC L. REV. 343, 344-46 (1998). Classroom assessment can benefit both teachers and students:

> College teachers report a number of benefits for students and teachers who use Classroom Assessment techniques. Students enthusiastically participate in Classroom Assessment when they know that the teacher is gathering data not to grade them but to help them learn better. Faculty using Classroom Assessment techniques report that students participate more actively in class and perform better on exams. Student evaluations of the effectiveness of the course and instructor improve significantly. Finally, many faculty find that engaging in Classroom Assessment revitalizes their interest in teaching and learning.

Id. at 346-47 (citations omitted). For ten examples of classroom assessment techniques applied to legal education, *see* TECHNIQUES FOR TEACHING LAW 267-83 (Gerald F. Hess & Steven Friedland eds., 1999). For an outstanding resource describing the purposes and need for classroom assessment, over fifty classroom assessment techniques, and the supporting research, *see* THOMAS A. ANGELO & K. PATRICIA CROSS, CLASSROOM ASSESSMENT TECHNIQUES: A HANDBOOK FOR COLLEGE TEACHERS (2d. ed. 1993).

and what changes, if any, the teacher intends to make based on the students' feedback.[89]

Teachers can employ a number of methods, both in and out of the classroom, to assess student learning for purposes of improving the effectiveness of instruction. A simple, popular device is the "minute paper" in which teachers ask students to respond briefly, in writing, at the end of class, to questions such as: "What is the most important thing you learned in class today?," or "What important question remains unanswered?"[90] Ungraded quizzes and practice exams provide critical feedback to both teachers and students on how well students are achieving key course goals. Instructional technology can facilitate feedback on student learning in the classroom via a classroom performance ("clicker") system, which allows teachers to project questions and each student to record an answer anonymously with a small handheld device.[91] Outside of the classroom, threaded discussions in response to questions or problems posed on a course website can clue teachers in to students' understanding and confusion.[92]

Teachers can get formative feedback by talking with students informally about their reactions to teaching methods. A more structured way to interact with, and gather feedback from, students is through a student advisory team ("SAT"). As I have summarized elsewhere,

> An SAT is a group of students who meet periodically with the teacher to help the teacher improve the course. The students have two primary roles. First, the students provide feedback to the teacher about the students' learning (what they "get" and what they don't) and the effectiveness of the teacher's instructional methods. Second, the students offer suggestions to improve the course and

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        89. *See* Hess, *supra* note 10, at 97 ("when I summarize for students the feedback they offered and implement some of their suggestions, students feel respected and invested in their own education.").

        90. Gerald F. Hess, *Minute Papers*, *in* TECHNIQUES FOR TEACHING LAW 269-70 (Gerald F. Hess & Steven Friedland eds., 1999). Charles Calleros includes in his course materials a feedback form that asks students questions such as:

> 1. Identify at least one important concept that you believed you learned well in this course during the week. What teaching techniques worked well?
> 2. Identify at least one concept that we have studied about which you are still confused to a degree that leaves you frustrated. Can you recommend improvements in the assignment or teaching techniques that might have resulted in better learning[?].

Charles Calleros, *Feedback Form*, *in* TEACHING THE LAW SCHOOL CURRICULUM 152 (Steven Friedland & Gerald F. Hess eds., 2004).

        91. Paul L. Caron & Rafael Gely, *Taking Back the Law School Classroom: Using Technology to Foster Active Student Learning*, 54 J. LEGAL EDUC. 551, 563-65 (2004).

        92. *See* Stephen D. Sowle & Richard Warner, *Electronic Classroom, in* TECHNIQUES FOR TEACHING LAW 156-60 (Gerald F. Hess & Steven Friedland eds., 1999).

their learning. The teacher's role is to listen to students' feedback and to implement reasonable suggestions when appropriate.[93]

Peer Observation, Discussion, Collaboration, and Feedback

Peer review of teaching, as part of retention and tenure decisions, is common in colleges and law schools.[94] Researchers warn that peer review of teaching for personnel decisions is fraught with problems—most peer evaluators lack training in classroom observation, do not apply a consistent set of criteria, and observe only one or two classes, resulting in a lack of agreement among peer reviewers about the quality of the candidate's teaching.[95] However, most scholars agree that peers can play an important role in faculty development.[96] Colleagues can help one another to improve teaching through classroom observations, review of course design and materials, assessment of student evaluation methods, discussions about pedagogy, team teaching, and gathering feedback from students.[97]

Reciprocal peer classroom observations can be a powerful vehicle for faculty development.[98] In this model, pairs of colleagues agree to observe one another's classes. The reciprocal nature of the observations creates mutual vulnerability and shared responsibility.[99] The pairs can engage in a three-step process. First, the colleagues meet for a pre-observation conference, in which they discuss matters, such as their approaches to teaching, goals for the course as a whole and class to be observed, material for the class, expectations for student performance during the class, and, most importantly, the specific types of feedback they would like to receive.[100] Second, the colleagues visit each other's classes and take notes in order to provide the requested feedback. A

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93. Hess, *supra* note 88, at 343. That article details the benefits, burdens, theory, and practice of student advisory teams in law school courses. *See also* Eric W. Orts, *Quality Circles in Law Teaching*, 47 J. LEGAL EDUC. 425 (1997).

94. *See* WEIMER, *supra* note 4, at 112 (many colleges and universities involve peers in the evaluation of teaching for personnel decisions); Abel, *supra* note 82, at 413 (in response to a 1989 survey, ninety-six percent of law schools reported using peer evaluation of teaching for non-tenured, full-time faculty; peer review was less common for visitors (eighty-two percent), tenured faculty members (forty-five percent), and adjunct faculty members (forty-one percent)).

95. *See* WEIMER, *supra* note 4, at 112-13; PAULSEN & FELDMAN, *supra* note 28, at 70.

96. *See* KEIG & WAGGONER, *supra* note 17, at 41; PAULSEN & FELDMAN, *supra* note 28, at 70; WEIMER, *supra* note 4, at 117-19.

97. *See* WEIMER, *supra* note 4, at 107-08, 199-29; KEIG & WAGGONER, *supra* note 17, at 41-69.

98. For a description of a peer review program for faculty development in law school *see* Mitchell M. Simon, M.E. Occhialino & Robert L. Fried, *Herding Cats: Improving Law School Teaching*, 49 J. LEGAL EDUC. 256, 260-63 (1999). For a comprehensive treatment of classroom visits for instructional improvement in higher education, *see* KEIG & WAGGONER, *supra* note 17, at 41-55.

99. WEIMER, *supra* note 4, at 119.

100. *Id.* at 120; KEIG & WAGGONER, *supra* note 17, at 44-45 (including a Pre-Observation Conference Guide with set of eight questions).

checklist that the observer fills out during and after the class can help gather appropriate information.[101]   Third, the colleagues meet to talk about the observations.   Those discussions should include the specific feedback requested in the pre-observation conference, the observer's positive and negative reactions, and an exploration of alternative methods to achieve the goals of the class.[102]   To maximize the benefits of reciprocal peer classroom observations, the colleagues should work together for a semester or academic year and sample at least two of each other's classes.[103]

Based on their review of successful peer observation programs at ten colleges and universities, Keig and Waggoner synthesized the following common elements:

1.   Programs should be built on the premise that "good teachers can become better;" programs should not be considered remedial.
2.   Faculty participation should be voluntary.
3.   The observed teacher and the observer should be trusted and respected by each other.
4.   Classroom visits should be reciprocal (a faculty member should be, in turn, observed and observer). …
5.   Observations should occur by invitation only (there should be no surprise visits).
6.   Participants should determine in advance what aspects of teaching are to be assessed.
7.   Participants should also determine in advance what other procedures, if any, are to be employed in assessing the performance.
8.   The lines of communication between the observed faculty member and the observer should be open (feedback should be both candid and tactful).
9.   A balance between praise and constructive criticism should guide the feedback process.
10.   Results should be kept strictly confidential and apart from summative evaluation.[104]

Colleagues are situated ideally to help one another with course design and materials.[105]   Peers can provide helpful formative feedback on syllabi, course web pages, readings, and other assignments.   Colleagues can be especially insightful in reviewing the materials related to evaluation of student work, including quizzes and tests (both graded and ungraded), paper and

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101. WEIMER, *supra* note 4, at 120. *See* KEIG & WAGGONER, *supra* note 17, at 46-49 for a Classroom Observation Guide, which is a detailed checklist that can help colleagues identify areas in which they would like feedback and provides an appropriate device for gathering feedback during the observation.

102. WEIMER, *supra* note 4, at 121. *See* KEIG & WAGGONER, *supra* note 17, at 49 for a Post-Observation Conference Guide consisting of eight questions.

103. *See* KEIG & WAGGONER, *supra* note 17, at 52-53.

104. KEIG & WAGGONER, *supra* note 17, at 95 (citation omitted).

105. *Id.* at 59; WEIMER, *supra* note 4, at 126.

presentation assignments, student responses to quizzes, tests, and assignments, and the teacher's feedback to students on their performance.[106] Checklists can help facilitate peer review of course design and materials.[107] Reciprocal review of materials and course design can have the same supportive dynamic as reciprocal classroom observations.

Discussions among colleagues about teaching and learning can contribute effectively to faculty development. Dialogue among peers can increase awareness of underlying educational philosophies, current instructional practices, and new approaches to teaching and learning. Discussions can uncover common problems and can motivate teachers to implement appropriate changes in their teaching. [108] Productive interchanges about teaching can occur in small groups (for example, a brown bag lunch discussion) or in private conversations between pairs of teachers. Discussion groups are most likely to lead to instructional improvement if they focus on a particular topic (for example, encouraging active participation in class or using short writing exercises in the classroom) and deal with the topic comprehensively.[109]

An ongoing relationship among colleagues that can have profound faculty development effects is team teaching, in which two or more teachers collaborate in the design or delivery of a course.[110] The extent of the collaboration in team teaching is a spectrum from guest lecturing in a colleague's course (colleagues discuss the purposes and methods for the guest lectures), to cooperating in the design of the course but dividing the responsibility for delivering class sessions among the teachers, to full collaboration in course design, planning, and delivery together in the classroom.[111] Faculty members report several significant benefits of team teaching: intellectual stimulation, a closer connection to the college community, and development of teaching skills.[112]

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106. *See* KEIG & WAGGONER, *supra* note 17, at 59-69; WEIMER, *supra* note 4, at 126-28.

107. *See* KEIG & WAGGONER, *supra* note 17, at 61-62 ("Guide to Evaluation of Course Materials"), and 67 ("Guide to Assessment of Instructor Evaluation of the Academic Work of Students").

108. *See* WEIMER, *supra* note 4, at 93-94.

109. *Id.* at 97-100.

110. PAULSEN & FELDMAN, *supra* note 28, at 78-79.

111. *Id.* at 79-81.

112. *Id.* at 79. For examples of team teaching in law schools, *see* Mark Weisberg & Jacalyn Duffin, *Evoking the Moral Imagination: Using Stories to Teach Ethics and Professionalism to Nursing, Medical, and Law Students,* CHANGE, Jan./Feb. 1995, at 21; Robert P. Burns*, Evidence and Trial Advocacy Courses, Side By Side, in* TEACHING THE LAW SCHOOL CURRICULUM 192 (Steven Friedland & Gerald F. Hess eds., 2004); and Camille Broussard & Karen Gross, *Integrating Legal Research Skills into Commercial Law, in* TEACHING THE LAW SCHOOL CURRICULUM 362 (Steven Friedland & Gerald F. Hess eds., 2004).

Finally, colleagues can help one another gather formative feedback from students. One such technique, Small Group Instructional Diagnosis, receives a strong endorsement from law teacher Gregory S. Munro:

> An excellent example of a classroom assessment technique for improving teaching is the Small—Group Instructional Diagnosis (SGID)…. In SGID, feedback about the course and instructor is gathered by breaking the class into small discussion groups to which an outside facilitator [such as a colleague] puts two questions: "(1) What helps you learn in this course?" and "(2) What improvements would you like, and how would you suggest they be made?" Students in each small group discuss and arrive at a consensus in answer to the first question. The facilitator then engages the reporters from each of the small groups in a dialog to arrive at a consensus from the class as to what helps the class learn in the course. The same process is followed with regard to the second question, producing a written set of answers that the facilitator can share with the teacher….
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> <div align="center">* * *</div>
>
> Note that the SGID process subjects all student comments or criticisms to peer review while the use of a facilitator maintains student anonymity. This increases the validity, reliability, and fairness of the feedback. From the author's experience, peer review screens student comments that would be overly solicitous or particularly hurtful while ensuring that shared objective observations, no matter how harsh, are stated. [113]

Feedback and Information from Consultants

Faculty development consultants can be national "experts" from outside of the institution, members of a college or university teaching excellence center, or faculty members from within the law school with expertise in teaching and learning.[114] There is significant overlap between the roles of consultants and colleagues in faculty development. For example, consultants could conduct classroom observations, review course materials, lead discussions about pedagogy among colleagues, and act as the facilitator in SGID, all of which are also appropriate roles for colleagues, as discussed above. Likewise, colleagues could engage in individual coaching, work with peers who videotape their teaching, and lead workshops, all of which are discussed below as appropriate roles for consultants.

Consultants can play a critical role in coaching an individual teacher through a four-phase instructional improvement process. During the first phase, data collection, the consultant interviews the teacher about the teacher's course,

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113. GREGORY S. MUNRO, OUTCOMES ASSESSMENT FOR LAW SCHOOLS 136-37 (2000) (citations omitted).

114. *See* Simon, Occhialino & Fried, *supra* note 98, at 260-67. Franklin Pierce Law Center developed a faculty development program that included three types of consultants—a faculty member from the law school, staff from a university's instructional innovation center, and law professors from other institutions with expertise in teaching and learning. *Id.*

goals, methods, and materials, and may gather information through a self-assessment completed by the teacher, classroom observation, review of materials, student evaluations of teaching, and formative feedback from students.[115]   In the second phase, data analysis, the consultant and teacher examine the data to determine the teacher's strengths and weaknesses and identify the areas of the teacher's instruction that should be addressed.[116]   In the third phase, improvement strategy, the consultant acts as a resource to help the teacher decide what changes or new methods should be adopted, and acts as a support system when the teacher implements the strategy.[117]   In the final stage, the consultant provides feedback to the teacher on the effectiveness of the instructional changes, and helps the teacher make appropriate refinements in the improvement strategy.[118]

Videotape can be a particularly powerful device for gathering information about and improving teachers' classroom communication skills, especially when teachers review the tape with a colleague or consultant.[119]   A videotape of a class provides accurate, reliable, audio and visual feedback of verbal communication (clarity of speech, volume, verbal ticks), visual aids (legibility of board work, visual impact of computer presentations), nonverbal behavior (eye contact, movement, gestures), questioning (types of questions asked by the teacher, how teachers handle student responses), and other presentation skills (organization, flow, pacing, variety in methods).[120]   Despite the usefulness of videotape in faculty development, many teachers are reluctant to be taped because they experience high anxiety during the taping and review, which can reveal communication glitches and force teachers to confront the disparity between their self-image and the behavior they see on the tape.[121]   Several techniques can minimize the anxiety and maximize the value of videotaping and review. First, from the moment the recording is finished, the videotape should become the exclusive property of the teacher, who has complete discretion to decide what to do with it.[122]   Second, the teacher should view the tape with a supportive colleague or consultant who can provide perspective and objectivity.[123]   Third, during the review the teacher

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115. PAULSEN & FELDMAN, *supra* note 28, at 84-87.

116. *Id.*

117. *Id.*

118. *Id.*

119. *See* KEIG & WAGGONER, *supra* note 17, at 58; WEIMER, *supra* note 4, at 91-92.

120. *See* PAULSEN & FELDMAN, *supra* note 28, at 93; Lisa D. Morano et al., *Videotaping with a Colleague: Practical Guidelines for Improving Teaching Effectiveness*, 14 J. STAFF PROGRAM & ORGANIZATIONAL DEV. 89, 90 (1996).

121. *See* KEIG & WAGGONER, *supra* note 17, at 56-58; PAULSEN & FELDMAN, *supra* note 28, at 93.

122. WEIMER, *supra* note 4, at 90.

123. *Id.* at 91.

and consultant (or colleague) should use a checklist that focuses attention on specific aspects of teaching behavior.[124]

Teaching effectiveness workshops delivered by consultants rank among the most popular faculty development efforts in higher education.[125] Teaching workshops are common in legal education as well as at the national and regional levels (sponsored by national organizations such as the Association of American Law Schools, CALI, the Legal Writing Institute, the Society of American Law Teachers, and the Institute for Law School Teaching, and regional groups such as the Midwest clinical teachers and the North Carolina legal research and writing teachers) and at the local level at individual law schools. Workshops that are done well can make faculty members aware of pedagogical issues and techniques and can motivate teachers to be more reflective and to inject new passion in their instructional efforts. Workshops that actively involve the participants and include follow-up activities are more likely to result in implementation of changes in teaching behavior.[126]

IV. EVALUATION OF FACULTY DEVELOPMENT ACTIVITIES

Design, delivery, and participation in faculty development activities take time and energy, which, for most law faculty members, are limited resources. Faculty resources are too valuable to squander on faculty development activities that are not effective. How should the effectiveness of faculty development for instructional improvement be measured? What does existing research reveal about the value of faculty development in enhancing teaching and learning?

Faculty development can be evaluated at four levels. Level One measures participant reaction to the faculty development activity.[127] Was it interesting? Relevant? Thought provoking? Useful? If the answers to all of those questions are "No," the activity was not effective, and faculty members will be reluctant to engage in the activity again. Level Two assesses the knowledge or skill the faculty members gained from the faculty development activity.[128] Did teachers increase their awareness of pedagogical issues? Understand new concepts? Acquire new teaching methods? Learn additional techniques for providing feedback to students? Level Three addresses changes in teachers'

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124. *Id.* The Center for Excellence in Teaching and Learning at the State University of New York at Albany uses a checklist that addresses in detail five areas of teaching behavior: clarity of the presentation; class structure; student interest, questioning technique; and verbal and nonverbal communication. Center for Excellence in Teaching and Learning, State University of New York at Albany, Videotape Teaching Checklist (2004) *available at* http://www.albany.edu/cetl/teaching/videocheck.html. *See* BARBARA GROSS DAVIS, TOOLS FOR TEACHING 355-61 (Jossey-Bass 1993), *available at* http://teaching.berkeley.edu/bgd/ videotape.html for another detailed checklist and helpful tips on recording and reviewing videotapes of teaching.

125. WEIMER, *supra* note 4, at 94.

126. *Id.* at 95.

127. *See* Cindra Smith & Barbara Beno, *Evaluating Staff Development Programs*, 12 J. STAFF, PROGRAM & ORGANIZATIONAL DEV.173, 174-77 (1995).

128. *See id.* at 174, 177.

attitudes or behaviors.[129] Did participants implement changes in teaching methods in their courses? Did they increase their morale, sense of community, or commitment to teaching excellence? Level Four evaluates the effect on students.[130] Did the changes that teachers implemented improve the students' assessment of the teaching? Increase students' engagement in the course? Facilitate better student learning?[131] While no single measure of teaching improvement will be conclusive, evaluation of faculty development at any of the four levels will provide useful information in determining the effectiveness of activities to improve teaching and learning.

Empirical research and qualitative reports evaluate faculty development activities at each of the four levels. Some of that research assesses comprehensive faculty development programs, but most of the studies address individual teaching improvement techniques, such as workshops, portfolios, or one-on-one consultation. Most of this research was done in the context of college and university teaching, although a couple of studies occurred in the law school setting.

Partners in Learning Program[132]

This study assessed the impact of the Katz/Henry Faculty Development Model, Partners in Learning. Twenty-four faulty members from four colleges participated in a three-year study.[133] The faculty members worked in pairs.[134] Each semester, one partner was an observer of the other's class.[135] The observer interviewed students several times each semester about their learning in the course.[136] The partners met frequently to discuss their experiences in the classroom, kept a journal about their teaching, and met monthly with other faculty members involved in the project.[137] Faculty members reported that

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129. *See id.* at 174, 177-78.
130. *See id.* at 174, 178-79.
131. Although scholars agree that the ultimate measure of teaching effectiveness is the quantity and quality of student learning, it is difficult to measure directly the effect of improved teaching on student learning. Many factors affect student learning, only one of which is the teacher's performance. Student motivation, study skills, general academic ability, as well as environmental and social characteristics, all affect learning. Although most teaching takes place in the classroom, most learning occurs where students study, such as in libraries or at home. KEIG & WAGGONER, *supra* note 17, at 125-126.
132. Martin Finkelstein, New Jersey Institute for Collegiate Teaching and Learning, *Assessing the Teaching and Student Learning Outcomes of the Katz/Henry Faculty Development Model* (1995), *available at* http://www.eric.ed.gov/ERICDocs/data/ericdocs2/content_storage_01 /0000000b/80/23/c0/e7.pdf.
133. *Id.* at 7.
134. *Id.*
135. *Id.* at 8.
136. *Id.* at 9.
137. Finkelstein, *supra* note 132, at 9.

their participation in the project increased their understanding of student learning, enhanced their relationships with colleagues, and resulted in changes in teaching behavior, especially an increase in the use of active learning methods.[138]   Students reported an increase in the number and quality of student interactions in the classroom and higher expectations of student academic performance.[139]   However, students reported little change in faculty in-class teaching behaviors, little personal change in participation in the class, and no increase in student academic achievement.[140]

<p align="center">*Learning by Doing Program*[141]</p>

Minnesota College and University system's *Learning By Doing* faculty development program included grants to 150 faculty members, training for campus leaders, summer conferences, teaching workshops, educational resources, and technical assistance to faculty members to integrate active learning and instructional technology into their courses.[142]   Over 800 faculty members attended a workshop or conference.[143]   As a result of the program, faculty members reported a significantly greater level of participation in faculty development activities.[144]   Teachers who participated in the program increased their use of active learning methods in their classroom.[145]   In classrooms where teachers made increased use of active learning techniques, students reported studying thirty minutes more per week, asking questions in class, rewriting papers, working harder than they thought they could to meet expectations, reflecting on what they were learning, receiving helpful feedback from the teacher, and meeting with other students outside of class.[146]   But students were no more satisfied with these classes than classes in which active learning techniques were used less frequently.[147]   Nor were students in active learning classes more likely to report that "I learned a lot in this course" or "I felt this class was more relevant to my life, helped me grow as a person." [148]

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138. *Id.* at 12-13.

139. *Id.* at 13.

140. *Id.* at 13.

141. Connie C. Schmitz & Michael G. Luxenberg, Minnesota State Colleges and Universities Center for Teaching and Learning, *Evaluation of the "Learning By Doing" Faculty Development Program* (2002).

142. Schmitz & Luxenberg, *supra* note 141, at 3-4.

143. *Id.* at 4.

144. *Id.* at 8.

145. *Id.* at 9-10. These results are based on survey responses from over 1,000 faculty members. For purposes of the study, "[a]ctive learning" was defined as "anything that involves students doing something and thinking about what they are doing." *Id.* at 5. (citation omitted).

146. *Id.* at 10.

147. Schmitz & Luxenberg, *supra* note 141, at 12.

148. *Id.* at 12-13. These results are based on survey responses from over 3,400 students. *Id.* at 6.

Teaching Consultation Program[149]

Nineteen faculty members from seven institutions in the Kentucky Community College System participated in the Teaching Consultation Program.[150] Ten teachers in the experimental group worked with a consultant (a faculty member recognized as an outstanding teacher and trained as an instructional consultant) for a semester.[151] The consultant gathered information through classroom observation and videotape.[152] The teacher and consultant agreed on instructional improvement goals and strategies to accomplish the goals.[153] Data collected from 2,939 students showed significant, positive gains in student assessment of the teachers' overall teaching ability and sixteen specific abilities, including organization of the course, clarity in presentation, explanation of difficult concepts, facilitation of student participation and discussion, creation of a positive learning environment, and development of tests to measure the concepts and skills taught.[154] Those improvements in teaching persisted in the semester after the consultation program ended.[155]

Student Evaluation of Teaching

Dozens of empirical studies address the effects of student evaluations (numerical and written comments) on teaching improvement.[156] One persistent finding is that faculty members who receive and review student evaluations of teaching during the semester receive significantly higher evaluations at the end of the course.[157] Further, teachers achieve even greater improvement if they review their student evaluations with a colleague or consultant to interpret the feedback, choose aspects of their teaching to change, and select instructional improvement strategies.[158]

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149. Judith E. Rozeman & Michael A. Kerwin, *Evaluating the Effectiveness of a Teaching Consultation Program on Changing Student Ratings of Teaching Behaviors*, 9 J. STAFF, PROGRAM & ORGANIZATIONAL DEV. 223 (1991).

150. *Id.* at 224.

151. *Id.* 224 & 226

152. Rozeman & Kerwin, *supra* note 149, at 226.

153. *Id.* at 226.

154. *Id.* at 226-28.

155. *Id.* at 229. *See* PAULSEN & FELDMAN, *supra* note 28, at 84-85 for a summary of other empirical studies that measure improvements in teaching due to consultation programs.

156. PAULSEN & FELDMAN, *supra* note 28, at 54-57.

157. *Id.* at 54-55.

158. *Id.* at 55.

Portfolios

Faculty members report that the process of constructing a teaching portfolio is an effective stimulus for improving instruction.[159] Teachers enjoyed the process of putting together the portfolio and found that they re-thought their teaching goals and strategies, reflected on the rationale for their current practices, and engaged colleagues in discussions about teaching.[160] Law teachers who prepared self-studies of their own teaching documented many changes in teaching behavior as a result of the reflection process.[161]

Videotape Review

Numerous studies conclude that teachers improve their effectiveness by reviewing a videotape of their own teaching, a colleague's teaching, or a model of effective teaching techniques.[162] However, other studies reveal that most faculty members are much less likely to participate in videotaping than other forms of faculty development.[163]

Student Advisory Teams

An empirical study of the use of student advisory teams ("SAT") in law school courses found positive results for teaching and learning.[164] More than eighty percent of the students who served on a SAT said that their participation improved their attitudes toward the course, the law school, their teacher, and themselves as learners.[165] Further, more than eighty percent of the participants concluded that the SAT process improved the course, the teacher's effectiveness, and their learning.[166]

Teaching Workshops

Level One evaluation of teaching workshops in higher education and law school shows that participants are often very satisfied with their experience and rate the workshops as interesting, inspiring, and relevant.[167] Little empirical research addressed the lasting effects of faculty development workshops on teachers' pedagogical knowledge, implementation of changes in

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159. *Id.* at 51.

160. *Id.*

161. Simon, Occhialino & Fried, *supra* note 98, at 265-66. Simon, Occhialino & Fried include a list of ten questions to guide the reflection process. *Id.* at 274.

162. PAULSEN & FELDMAN, *supra* note 28, at 91-92.

163. KEIG & WAGGONER, *supra* note 17, at 56-57.

164. Hess, *supra* note 88, at 355-61.

165. *See id.* at 355-58.

166. *See id.* at 358-60.

167. *See* Meacham & Ludwig, *supra* note 48, at 171. I have reviewed the participant evaluations of fifteen teaching workshops and conferences sponsored by the Association of American Law Schools and the Institute for Law School Teaching that took place between 1994 and 2004. The participants gave very high ratings to each of these conferences.

teaching behavior, teaching skills, or success in fostering improved student learning.[168] The research to date suggests that workshops are unlikely to result in lasting changes in teachers' attitudes, behavior, or effectiveness unless supplemented with ongoing follow-up, technical support, skill practice, and feedback.[169] In the context of legal education, no evaluation of the effectiveness of teaching workshops went beyond Level One.

V. CONCLUSION

Faculty development programs and activities are common in higher education, including legal education. A critical issue is whether those programs and activities have positive effects on teaching and learning. Legal education research barely addresses this issue. Questions to be explored include: In what types of faculty development activities do law teachers participate? How do those activities affect teachers' (a) awareness of their teaching philosophy and behavior, (b) knowledge of teaching and learning principles, (c) enthusiasm and passion for teaching, (d) confidence in their teaching, (e) morale and collegiality, and (f) implementation of new teaching techniques? Do faculty development activities result in increased student engagement and learning? Answers to those questions will foster the creation of effective faculty development programs in the future.

In the meantime, this article and the sources it cites, provide, guidance to teachers who want to engage in faculty development on their own or with students, consultants, or colleagues. Finally, Maryellen Weimer, a veteran faculty developer and leading scholar in the field, offers advice for those charged with designing faculty development programs:

- Provide a flexible mix of teaching improvement activities and resources (*e.g.*, checklists, inventories, books and articles on teaching and learning, classroom observation, videotape review, consultation, discussion with colleagues, teaching workshops, feedback from students);[170]
- Let teachers choose their level of involvement in faculty development activities;[171]
- Encourage faculty members to get input on their teaching during the course from multiple sources (*e.g.*, self-rating forms, students, peers);[172]

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168. *See* Emerson & Mosteller, *supra* note 53, at 33.

169. *See id.* at 33; Meacham & Ludwig, *supra* note 48, at 171.

170. WEIMER, *supra* note 4, at 65-110.

171. *Id.* at 59-60.

172. *Id.* at 60-61, 64.

- Recommend formative activities that produce both positive and negative feedback on teaching as well as suggestions for alternative methods to improve effectiveness;[173] and,
- Encourage faculty members to discuss the results of formative feedback and strategies for improvement with consultants, students, and colleagues.[174]

These five pieces of advice crystallize many of the principles and practices discussed in this article and are a fine starting point for faculty development programs that aim to improve teaching and learning in law school.

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173. *Id.* at 61-62.
174. *Id.* at 62-64.

APPENDIX

ARTICLES, BOOKS, VIDEOS, AND WEBSITES ON
TEACHING AND LEARNING

LEGAL EDUCATION RESOURCES

Bibliographies of Journal Articles:

- J.P. Ogilvy & Karen Czapansky, *Clinical Legal Education: An Annotated Bibliography*, 7 CLINICAL L. REV. 1 (2000) (online updated version is *available at* http://faculty.cua.edu/ogilvy/ Index1.htm).

- Kay Lundwall & Arturo Torres, *Moving Beyond Langdell II: An Annotated Bibliography of Current Methods for Law Teaching*, GONZ. L. REV. 1 (SPECIAL EDITION) 1 (2000).

- Arturo Torres, *MacCrate Goes To Law School: An Annotated Bibliography of Methods for Teaching Lawyering Skills in the Classroom,* 77 NEB. L. REV. 132 (1998).

- Arturo Torres & Karen Harwood, *Moving Beyond Langdell: An Annotated Bibliography of Current Methods for Law Teaching*, GONZ. L. REV. (SPECIAL EDITION)(1994).

Newsletters:

The Law Teacher, INSTITUTE FOR LAW SCHOOL TEACHING, Gonzaga University School of Law.

Books:

- STEVEN FRIEDLAND & GERALD HESS, TEACHING THE LAW SCHOOL CURRICULUM (2004).

- MADELEINE SCHACHTER, THE LAW PROFESSOR'S HANDBOOK: A PRACTICAL GUIDE TO TEACHING LAW STUDENTS (2004).

- GREGORY MUNRO, OUTCOMES ASSESSMENT FOR LAW SCHOOLS (Institute for Law School Teaching 2000).

- GERALD HESS & STEVEN FRIEDLAND, TECHNIQUES FOR TEACHING LAW (1999).

- MARLENE LEBRUN & RICHARD JOHNSTONE, THE QUIET REVOLUTION: IMPROVING STUDENT LEARNING IN LAW (Wm. W. Gaunt & Sons 1994).

- CORINNE COOPER, GETTING GRAPHIC 2: VISUAL TOOLS FOR TEACHING AND LEARNING LAW (Institute for Law School Teaching 1994).

Videotapes:

- Principles to Enhance Legal Education (Gerald Hess, Paula Lustbader & Laurie Zimet) (Institute for Law School Teaching 2001).

- Teach to the Whole Class: Barriers and Pathways to Learning (Gerald Hess, Paula Lustbader & Laurie Zimet) (Institute for Law School Teaching, 1997).

- A Day in the Life of Law School Teaching (Larry Dubin) (Institute for Law School Teaching 1994).

Websites: See links at
http://www.law.gonzaga.edu/Programs/Institute+for+Law+School+Teaching/default.htm
for both legal education and higher education.

HIGHER EDUCATION RESOURCES

<u>Bibliographies of Journal Articles and Books:</u>

• Gerald F. Hess, *Monographs on Teaching and Learning for Legal Educators,* GONZ. L. REV. 63 (SPECIAL EDITION) (2000).

• Gerald F. Hess, *The Legal Educator's Guide to Higher Education Periodicals on Teaching and Learning*, 67 UMKC L. REV. 367 (1998).

• Paul T. Wangerin, *Teaching and Learning in Law School: An Alternative Bookshelf for Law Teachers*, GONZ. L. REV. (SPECIAL EDITION) 49 (1994).

<u>Newsletters:</u>

The Teaching Professor (Maryellen Weimer, Editor; Pennsylvania State University- Berks Campus, P.O. Box 7009, Reading, PA 19610-7009, grg@psu.edu.).

<u>Books:</u>

• THOMAS A. ANGELO & K. PATRICIA CROSS, CLASSROOM ASSESSMENT TECHNIQUES: A HANDBOOK FOR COLLEGE TEACHERS 2D ED. 1993).

• KEN BAIN, WHAT THE BEST COLLEGE TEACHERS DO (2004).

• JOHN BRANSFORD, ANN L. BROWN & RODNEY R. COCKING, HOW PEOPLE LEARN: BRAIN, MIND, EXPERIENCE, AND SCHOOL (2000).

• DONALD A. BLIGH, WHAT'S THE USE OF LECTURES (2000).

• CHARLES C. BONWELL & JAMES A. EISON, ACTIVE LEARNING: CREATING EXCITEMENT IN THE CLASSROOM, ASHE-ERIC HIGHER EDUCATION REPORT NO. 1 (1991).

• STEPHEN D. BROOKFIELD & STEPHEN PRESKILL, DISCUSSION AS A WAY OF TEACHING: TOOLS AND TECHNIQUES FOR DEMOCRATIC CLASSROOMS (1999).

• STEPHEN D. BROOKFIELD, BECOMING A CRITICALLY REFLECTIVE TEACHER (1995).

• CHARLES S. CLAXTON & PATRICIA H. MURRELL, LEARNING STYLES: IMPLICATIONS FOR IMPROVING EDUCATIONAL PRACTICES, ASHE-ERIC HIGHER EDUCATION REPORT NO. 4 (1987).

• BARBARA GROSS DAVIS, TOOLS FOR TEACHING (1993).

• LUCY CHESER JACOBS & CLINTON I. CHASE, DEVELOPING AND USING TESTS EFFECTIVELY: A GUIDE FOR FACULTY (1992).

• DAVID W. JOHNSON, ROGER T. JOHNSON & KARL A. SMITH, COOPERATIVE LEARNING: INCREASING COLLEGE FACULTY INSTRUCTIONAL PRODUCTIVITY, ASHE- ERIC HIGHER EDUCATION REPORT NO. 4 (1991).

• LARRY KEIG & MICHAEL D. WAGGONER, COLLABORATIVE PEER REVIEW: THE ROLE OF FACULTY IN IMPROVING COLLEGE TEACHING, ASHE-ERIC HIGHER EDUCATION REPORT NO. 2 (1994).

• JOSEPH LOWMAN, MASTERING THE TECHNIQUES OF TEACHING (2D ED. 1995).

• WILBERT J. MCKEACHIE, TEACHING TIPS: STRATEGIES, RESEARCH, AND THEORY FOR COLLEGE AND UNIVERSITY TEACHERS (11TH ED. 2001).

• PARKER J. PALMER, THE COURAGE TO TEACH: EXPLORING THE INNER LANDSCAPE OF A TEACHER'S LIFE (JOSSEY BASS 1998).

• MICHAEL B. PAULSEN & KENNETH A. FELDMAN, TAKING TEACHING SERIOUSLY: MEETING THE CHALLENGE OF INSTRUCTIONAL IMPROVEMENT, ASHE-ERIC HIGHER EDUCATION REPORT NO. 2. (1995).

• MARYELLEN WEIMER, LEARNER-CENTERED TEACHING (2002).

• MARYELLEN WEIMER, IMPROVING COLLEGE TEACHING (1990).