LEAVING LANGDELL BEHIND
Reimagining Legal Education for a New Era

Friday, October 7, 2022
University of Minnesota Law School, Walter F. Mondale Hall

Registration and Coffee 8:00-8:30 AM

Opening Remarks 8:30-8:50 AM

- Garry Jenkins, Dean, University of Minnesota Law School
- Leah Reiss, Editor-in-Chief, Minnesota Law Review, Vol. 107
- Joshua Gutzmann, Lead Symposium Articles Editor, Minnesota Law Review, Vol. 107

Keynote Address 8:50-9:30 AM

Judith Gundersen is the president of the National Conference of Bar Examiners and has been with the Conference since 2000, where she also served as the Director of Test Operations and Program Director for the Multistate Essay Examination and the Multistate Performance Test. Prior to joining NCBE, Gundersen worked at the Madison, WI, office of the law firm Foley & Lardner LLP before becoming an assistant district attorney in the Dane County District Attorney's Office in Madison, where she worked for 10 years. She obtained her BA from the University of Wisconsin–Milwaukee and her JD from the University of Wisconsin Law School.

Equitable Admissions Presentations 9:30-10:45 AM

"More than Numbers": Empirical Evidence of an Innovative Approach to Admissions

Anahid Gharakhanian has been serving as Vice Dean at Southwestern Law School since 2020 (and previously served as Vice Dean from 2012 to 2016). She teaches Legal, Analysis, Writing, and Skills, and has directed Southwestern's Externship Program since 2005. Anahid has worked closely with Southwestern's Admissions Office since 2012. She has been involved with the Institute for the Advancement of the American Legal System's various projects, including Building a Better Bar and serving on the Foundations for Practice Advisory Committee; she also serves on LSAC's Diversity, Equity, and Inclusion Committee. Gharakhanian is a co-author of *"More than the Numbers": Empirical Evidence of an Innovative Approach to Admissions*, 107 MINN. L REV. ___ (2023) (forthcoming).

Natalie Rodriguez, is the Associate Dean for Academic Innovation and Administration at Southwestern Law School. Prior to serving in this role, she was the Assistant Dean for Academic Success and helped build a comprehensive academic and bar support curriculum. She has been involved in various bar passage studies including the California State Bar "Performance Changes on the California Bar Examination" and the Institute for the Advancement of the American Legal System "Building a Better Bar: Capturing

Minimum Competence" study. She currently serves on the California Supreme Court Blue Ribbon Commission for the Future of the Bar Exam. Rodriguez is a co-author of *"More than the Numbers": Empirical Evidence of an Innovative Approach to Admissions*, 107 MINN. L REV. ___ (2023) (forthcoming).

Dr. Elizabeth A. Anderson, PhD is the founder/lead research consultant of Embraced Wisdom Resource Group, LLC and worked as the educational consultant with the IAALS Foundations for Practice Learning Outcomes project. Her PhD is in Research Methods and Statistics from the University of Denver, and she has specifically trained in psychometrics, measure development and non-traditional use of traditional measurement development techniques. She currently is serving on the ABA Outcomes and Assessments committee. Anderson is the co-author of *"More than the Numbers": Empirical Evidence of an Innovative Approach to Admissions*, 107 MINN. L REV. ___ (2023) (forthcoming).

### *Mitchell Hamline Law School's Approach to Admissions and the Prison to Law School Pipeline*

Anthony Niedwiecki is the President and Dean of Mitchell Hamline School of Law.

Panel: *Redesigning the Law School Curriculum* 10:45 AM-12:00 PM

Moderated by Jon Lee. Professor Lee is an Associate Professor of Law at the University of Oklahoma College of Law. His scholarship on professional regulation has appeared in the Boston College Law Review, North Carolina Law Review, and BYU Law Review, among others. He currently serves on the National Conference of Bar Examiner's Content Scope Committee and drafts prototype questions for the NextGen Bar Exam. Prior to arriving at Oklahoma, he was an award-winning teacher at the University of North Carolina School of Law and University of Minnesota Law School, and he served as a senior administrator at both institutions.
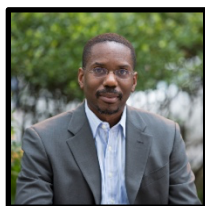
Bennett Capers is the John D. Feerick Research Professor at Fordham Law School, teaching Evidence, Criminal Law, and Criminal Procedure. His articles and essays have been published in the California Law Review, Columbia Law Review, Cornell Law Review, Fordham Law Review, Michigan Law Review, Minnesota Law Review, New York University Law Review, and UCLA Law Review, among others. He co-edited CRITICAL RACE JUDGMENTS: REWRITTEN U.S. COURT OPINIONS ON RACE AND LAW (Cambridge University Press), FEMINIST JUDGMENTS: REWRITTEN CRIMINAL LAW OPINIONS (Cambridge University Press), and CRIMINAL LAW: A CRITICAL APPROACH (Foundation Press), and has a forthcoming book about prosecutors, THE PROSECUTOR'S TURN (Metropolitan Books). He has been a Visiting Professor at Yale Law School, University of Texas School of Law, and Boston University School of Law.

Susan McMahon is an Associate Clinical Professor of Law at the Arizona State University Sandra Day O'Connor College of Law. She joined the ASU faculty in 2021 after teaching at the Georgetown University Law Center for ten years. She writes about reforming both legal education and the criminal justice system, and her articles have appeared in journals such as the Georgetown Law Journal, the American Criminal Law Review, and the Arizona State Law Journal Online. Before entering academia, she practiced at Debevoise & Plimpton LLP and clerked for the Honorable Richard J. Leon of the U.S. District Court for the District of Columbia.

Robert R. Kuehn, Professor of Law, Washington University in St. Louis School of Law; co-author of *A Study of the Relationship between Law School Coursework and Bar Exam Outcomes*, 68 J. LEGAL EDUC. 623 (2019); author of *Pricing Clinical Legal Education*, 92 DENV. UNIV. L. REV. 1 (2014).

Lunch Break 12:00-1:00 PM

Legal Pedagogy Workshops 1:00-2:00 PM

The Symposium will offer several options for short breakout sessions in which professors will share their innovative teaching methods. Attendees will have the opportunity to choose which methods interest them the most and learn about small practical adjustments they can make in their teaching.

Room 15

- **Student Created Assessment Techniques as a Formative Learning Tool — Professor Sandra Simpson**

  This presentation will teach doctrinal (and skills) professors how to involve their students in creating assessment rubrics, multiple-choice questions, and practice essay questions. The workshop will provide professors with a "how-to" manual detailing the steps needed to involve their students in creating different types of classroom assessments. When students are involved in creating these assessments, they learn the subject deeply, developing a common language with the professor. This deep learning not only helps prepare them for their upcoming exams, but it also helps the learning to "stick" in their long-term memory. What is more, the students start to understand the complexity of the law and how they will be assessed on that complexity. These methods of involving the students are done during class time, increasing student engagement and active learning in the classroom. During the process the professor will get feedback on what the students are learning or struggling with, and students will get feedback on what they know and what they need more practice with.

Room 50

- **Individualized Feedback for 1Ls — Professor Daniel Schwarcz**

  Providing formative feedback to law students on their writing is essential to training skilled lawyers, improving law student morale, and empowering first-generation law students to succeed. Yet most law professors continue to provide little, if any, such

feedback to students because of the perceived time and effort that doing so requires. In this session, I will review both the evidence regarding the benefits of individualized feedback, as well as methods for providing a robust program of individualized feedback to first-year law students that requires only a moderate amount of time and energy from law professors. Key strategies include (i) incorporating a professor-graded mid-term into first-year classes, (ii) using TAs to provide feedback to students on ungraded, but mandatory, practice problems, (iii) utilizing strategic peer review later in the semester, (iv) discussing sample problems and answers in class, and (v) consistently linking discussion of doctrinal cases to principles of effective writing. See *The Impact of Individualized Feedback on Law Student Performance* for an article on this topic.

- **An Innovative Approach to Teaching Students to Recognize the Influence of Race in the Law — Professor Sherri Lee Keene**

Professor Keene will share an approach she took for teaching advocacy last year that helped students recognize the influence of race in the law. In a nutshell, students wrote a brief for a Fourth Amendment case involving a Terry stop in an airport. They later wrote a brief that addressed a stop in an area designated as "high crime" for an actual case. In writing these two briefs, students were able to appreciate the courts' differing treatment of different people in different locations. This led to many rich discussions.

Room 65

- **Lawyering Portfolios — Professor Deborah Jones Merritt**

Employers increasingly seek evidence that their hires are practice-ready, and students are eager to obtain more practice experience. Every law school course—including large podium courses—can offer students the opportunity to create work product for a "lawyering portfolio." Those portfolios enhance student learning, support assessment, and impress employers. In states considering alternatives pathways to licensure, these portfolios may even substitute for the bar exam. This workshop will offer examples of how professors can modify traditional assessments to generate work product suitable for lawyering portfolios. In addition to providing examples of assignments that professors have used successfully, the workshop will offer grading rubrics that can be adapted for a wide range of assignments.

Panel: *In(doctrine)ation: Alternatives to the Case Method* 2:15 PM-3:30 PM
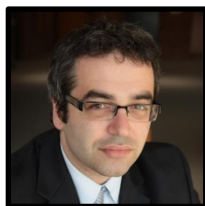
Moderated by Daniel Schwarcz, Fredrikson & Byron Professor of Law, University of Minnesota Law School; co-author of *The Impact of Individualized Feedback on Law Student Performance*, 67 J. LEGAL. EDUC. 139 (2017); two-time teaching award winner; American Law Institute Early Career Scholars award winner (2017).

Beth H. Wilensky, Clinical Professor of Law, University of Michigan Law School; author of *Reimagining Legal Education: Incorporating Live-Client Work into the First Year Curriculum*, MICH. BAR J.; author of ___ 107 MINN. L. REV. ___ (forthcoming).

[Sherri Lee Keene](#) is a Professor at Georgetown University Law Center and previously directed the legal writing program at University of Maryland Carey School of Law. Prior to teaching, Professor Keene handled criminal appeals at the Federal Public Defender's Office for the District of Maryland. Professor Keene's writing focuses on the intersection of criminal law, advocacy, and psychology, and she considers how negative stereotypes and stock stories about African Americans can unconsciously influence the perceptions of police and other actors in the criminal justice system. Her recent work explores how seemingly neutral laws can mask biased thinking, rather than afford opportunities for such thinking to be meaningfully challenged.

[Oscar J. Salinas](#) is a Clinical Professor of Law and the Director of Academic Excellence at the University of North Carolina School of Law. He is a native of South Texas, and he is the first and only Hispanic to hold a full-time faculty position at the law school. His teaching and research interests include academic and bar support, legal research and writing, and negotiation and client counseling. He has a master's degree in Counseling, and he is the author of A SHORT AND HAPPY GUIDE TO EFFECTIVE CLIENT INTERVIEWING AND COUNSELING and MBEs FOR THE MBE: MNEMONICS, BLUEPRINTS, AND EXAMPLES FOR THE MULTISTATE BAR EXAMINATION.

[Sandra Simpson](#) is a Professor of Law at Gonzaga University School of Law, where she has taught since the fall of 2007. She is the author of *Law Students Left Behind: Law Schools' Role in Remedying the Devastating Effects of Federal Education Policy*, 107 MINN. L. REV. ___ (forthcoming 2023). Her scholarship centers on the science of teaching and student learning and outcomes assessments. She is a widely published author in these areas. Her most recent work was published in ASSESSMENT OF TEACHING AND LEARNING: A COMPREHENSIVE GUIDEBOOK FOR LAW SCHOOLS (Carolina Academic Press 2021). In addition, she serves as one of the four directors of the Institute for Law Teaching and Learning, a non-profit organization dedicated to improving legal pedagogy.

Panel: *The Future of Lawyer Accreditation* 3:30-4:45 PM

Moderated by [Carol Chomsky](#). Chomsky is Professor of Law at the University of Minnesota Law School, where she has been on the faculty since 1985 and served as Associate Dean for Academic Affairs in 2012-2015. Her scholarly work includes textbooks incorporating active learning strategies to teach contracts and sales law and articles on testing and diversity, the history of women lawyers, American Indian legal history, and late nineteenth century American legal history. She is a member of the Collaboratory on Legal Education and Licensing for Practice, a group of scholars who study and write about the bar exam, licensing, and legal education, and co-chaired one of the Working Groups participating in the Minnesota Board of Law Examiners' comprehensive two-year study of the bar examination. She is a co-author of *A Merritt-Orious Path for Lawyer Licensing*, 82 OHIO STATE L.J.883 (2021), and *Diploma Privilege and the Constitution*, 73 SMU L. REV. FORUM 168 (2020), and she is an active member of the Society of American Law Teachers and served as co-President in 2000-2002. Before entering academia, she clerked for Judge Spottswood W. Robinson on the D.C. Circuit and practiced law in Washington, D.C.

[Catherine Christopher](#), Associate Dean for Bar Success & Dean's Distinguished Service Professor of Law, Texas Tech University School of Law; author of *Modern Diploma Privilege: A Path Rather Than a Gate*, 107 MINN. L. REV ___ (forthcoming 2023).

[Deborah Jones Merritt](#) is the Distinguished University Professor and John Deaver Drinko-Baker & Hostetler Chair in Law Emerita at The Ohio State University Moritz College of Law and is the coauthor of a leading study on lawyer competence, *Building a Better Bar: The Twelve Building Blocks of Minimum Competence* (Dec. 2020). She has written numerous other articles on legal education and lawyer licensing and has consulted with several states on new pathways to licensure. Her article, *Protecting the Public Through Better Education and Better Licensing*, is forthcoming in 107 MINN. L. Rev. ___ (2023).

[Danette McKinley, Ph.D.](#) Dr. McKinley is the Director of Diversity, Fairness, and Inclusion Research for the National Conference of Bar Examiners (NCBE). She is the staff lead for NCBE's Diversity and Inclusion Committee, and she is staff co-lead for the Diversity, Fairness, and Inclusion implementation workgroup. Prior to her work with NCBE, Dr. McKinley conducted research on the licensure and certification of health professionals for more than 30 years and was responsible for developing and implementing a research agenda that supported the missions, advocacy efforts, innovation endeavors, and thought leadership activities of the Educational Commission for Foreign Medical Graduates and its Foundation for Advancement of International Medical Education and Research. Dr. McKinley received her BA in psychology from Williams College, her MA in educational research methodology from the University of Pittsburgh, and her PhD in educational psychology from Temple University.

Concluding Remarks 4:45-5:00 PM
- [Leah Reiss](#), Editor-in-Chief, Minnesota Law Review, Vol. 107
- [Joshua Gutzmann](#), Lead Symposium Articles Editor, Minnesota Law Review, Vol. 107

Reception 5:00-6:00 PM Auerbach Commons

Also Featuring . . . Open House from 9:00 AM to 5:00 PM
Riesenfeld Rare Books Research Center Exhibits

"Tools of the Profession: Law Books and the History of Legal Education"
and
"Law Books in Legal Education at Minnesota"

"Tools of the Profession" explores the history of legal education through the literature that has profoundly shaped it. From statute books to casebooks, and from treatises to dictionaries, legal literature has developed not only to record the law and aid professionals in practice, but to guide students from the earliest stages of study.

The exhibit also showcases the reciprocal nature of legal literature and legal education. In England and on the continent, legal literature developed in response to and as a product of education. Literature in our own country has followed a similar path: even C. C. Langdell's famed "revolution" in legal education, still with us today, is first evident in his 1871 casebook on contracts. A trove of historical books illustrates the transformative developments in legal education over several centuries.

The accompanying exhibit, "Law Books in Legal Education at Minnesota," drawn from the Law Library's rich archives, highlights coursebooks, lectures, exam prep material, and early exams that shed light on the history of legal education at Minnesota. Selections from our growing student notebook collection reveal how students engaged with the law through a rigorous, dynamic education. The exhibits were curated by Ryan Greenwood, Pat Graybill, and Lily Eisenthal.