

Brutal Choices in Curricular Design ...

Games in the Law School Classroom: Enhancing the Learning Experience

Brutal Choices in Curricular Design ... is a regular feature of Perspectives, designed to explore the difficult curricular decisions that teachers of legal research and writing courses are often forced to make in light of the realities of limited budgets, time, personnel, and other resources. Readers are invited to comment on the opinions expressed in this column and to suggest other “brutal choices” that should be considered in future issues. Please submit material to Helene Shapo, Northwestern University School of Law, e-mail: h-shapo@law.northwestern.edu, or Kathryn Mercer, Case Western Reserve University School of Law, e-mail: klm7@case.edu.

By Karin Mika

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Much has been written about how best to educate the millennial generation—a generation of students that has grown up with multitasking, instant access to information, technology as an integral part of moment-to-moment existence, and a need to be perpetually entertained or otherwise mentally stimulated.¹ This type of mind set seems diametrically opposed to what the practice of law and legal education is about. Certainly technology has its place in the

practice of law and legal education, but the practice of law, and some would certainly say legal education itself, requires developing tolerance for large stretches of time spent being bored or focusing solely on tedious matters.² Thus the challenge for the legal educator, especially during the last few years, has been how best to keep the students engaged while still accomplishing the task of teaching students the necessary skills for the practice of law.

Games in the Classroom

Educators have always been concerned with devising ways to make education fun while engaging students in an activity that will be intellectually beneficial.³ I’m sure all of us can remember our elementary school days and the “Reading Is Fun” campaigns, the vocabulary word crossword puzzles, and perhaps spelling bee baseball. One of my fondest memories was my sixth grade teacher’s use of “Simon Says,” which

¹ See generally Tracy L. McGaugh, *Generation X in Law School: The Dying of the Light or the Dawn of a New Day?*, 9 *Legal Writing* 119 (2003); see also Douglas Kellner, *The Journal*, March 1, 2005.

² William R. Keates, *Proceed with Caution—A Diary of the First Year at One of America’s Largest, Most Prestigious Law Firms* 35–41 (1997).

³ See, e.g., Katherine Albers, *These Teachers Are Golden: Six Collier Educators Honored with Special Apple*, *Naples Daily News*, May 5, 2009 (“I want all of my students to have fun while engaged in the academics of what they are doing. I strive for my students to become lifelong learners.”).

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helped the class remember the bones and muscles in the human body. However, my personal favorite was “Bottleneck,” a game developed by my middle school government teacher. The game demonstrated how bills moved through Congress before they became enacted legislation.

Teachers who played these games were regarded as the most popular, and I would guess that many of us learned quite a bit while being entertained. I would also guess that many of us, because of these games, became interested in subject matter that we otherwise would have considered boring and *unattainable*.⁴

Games such as those played in elementary and middle school disappeared for the most part as education progressed onward. I can’t say I remember playing any educational games in high school, college, and certainly not law school. As my education progressed, there seemed to be an expectation that entertainment (at least, not beyond filmstrips or slides) was not necessary to engage the student. It was simply a given that the student would learn the material in the traditional way—by reading, studying, immersing, and eventually mastering. Game playing as an educational technique seemed to have no place in higher education.⁵

Thus traditionalists might look at using games to teach legal concepts as an inappropriate coddling of an immature generation. After all, the practice of law is not always very exciting, and some legal educators believe that catering to limited attention spans will do more harm than good to both the student and to the profession of law in general.

Although I’ve always considered myself a fun and engaging legal writing professor, I have always been skeptical about using class time to play games during legal writing. Perhaps part of the reason for this is that I might be somewhat of a traditionalist.

I have always had an intellectual respect for the development of some of the games that have been created to supplement legal education.⁶ But I did not see too many of them as able to complement my curriculum in a way that my teaching agenda was the central focus of playing the game as opposed to “fun.” Given that in recent years I have come to feel that I must cover more and more material with what is seemingly less and less time, I have also adopted the belief that a good, practical, active learning classroom exercise combining various skills was more appropriate to my goals (and to a graduate school teaching environment) than playing any games.

That is not to say that innovative educational games did not interest me. Both of my own children are part of the millennial generation, and what has struck me about their activities (other than their technologically oriented existences) is how much they enjoy playing games. Evenings spent with friends are spent playing board games, or games on the electronic console. Time alone is spent playing reality-based games such as the Sims, Zoo Tycoon, or Roller Coaster Tycoon. Those having Facebook pages are hooked on a reality-based game called Mafia Wars, and, as true multitaskers, they tend to pick up an iPod® touch in between rounds of electronic console games in order to play rounds of other games on their handheld devices.

I thought that if I could tap into this interest in a way that complemented what I hoped to be doing in legal writing, I could accomplish something beneficial for the students in my legal writing classes.

Apples to Apples

I accomplished this by using a variation of the game Apples to Apples. Apples to Apples is both a popular party game and a game that has won awards for providing innovative education.⁷

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⁴ See, e.g., *In Their Own Words, Teens Thank Educators Who Inspired*, <www.azstarnet.com/sn/related/22360>, May 17, 2004.

⁵ Cf. Wylie Wong, *Gaming in Education*, <www.edtechmag.com/higher/may-june-2007/gaming-in-education-2.html>.

⁶ For instance, I participated in various rounds of one of my colleague’s yearly Citation Jeopardy tournament.

⁷ These awards are documented at <www.fatbraintoy.com/toy_companies/mattel/apples_to_apples_kids.cfm>.

“I was first inspired to create a game based on Apples to Apples when I watched my 13-year-old and her friends play the game at a party.”

The concept of the game is a simple one. It involves one player per round being a judge, while the other players try to match noun cards to an adjective card in such a way that the judge for a round will choose a particular player's noun card as the best match. For example, a judge for a particular round might have the adjective card “scary,” and the players in the round might play the cards, “Haunted House,” “cave,” “Driver's Test,” and “Silence of the Lambs.” What the players play depends partially on their thought processes, their intuition about what the judge will think is the best match (strategy), and what is available in a particular hand (often involving some creative thinking). The judge for each round goes through the selections and then explains why a certain match was chosen. The “winner” of the round is the person whose “match” was selected, and then another person becomes judge.

The fun of the game is both in the unpredictability and in the explanations as to why the selections were made by either the judge for a round or a particular player. Participants are usually eager to explain exactly why a particular match was submitted, especially when the judge summarily discounts a match without much thought.

I was first inspired to create a game based on Apples to Apples when I watched my 13-year-old and her friends play the game at a party. What really struck me about the way they were playing was how much they were learning from each other, and how eager they were to learn. For instance, if a person played a particular card that was not chosen because the judge was unfamiliar with the term (e.g., a person who had never seen *Silence of the Lambs* would not select that to match with the term “scary”), the person who had played the card would explain to the others the word and its relation to the original adjective. The kids all listened to each other very intently and seemed to develop a collective and useful pool of knowledge. It occurred to me that this knowledge was not being developed for the sake of knowledge, but because the additional knowledge would be beneficial the next time any of them played the game with other people—the

learning provided them with a competitive advantage in future game playing.

I decided I would attempt to modify the game in order to achieve a similar result within the legal writing classroom.

Apples to Apples—The Legal Version

The game I call Legal Apples to Apples is a bit different from the classic Apples to Apples game. Although I initially sought to have separate decks of adjective cards and noun cards, I could not develop a sufficient number of legal terms that separated themselves into those categories in a way that made the game a learning experience. I did not want to have a deck of adjective cards similar to the Apples to Apples deck (e.g., “scary,” “morbid,” “handsome,” “ostentatious”) because I wanted to develop a game in which the students would be matching only legal terms. Thus, I decided that one modification of the game would be only one deck and both the judge for the round and the other players would draw their cards from that one deck.

The object of the game was not merely for students to learn legal terminology, but to develop their thought processes, not only so that they would begin to start thinking more creatively, but also to understand that there were several ways in which a matter could be interpreted. The game deck is composed of typical legal terms combined with terminology that one might encounter in legal writing. For instance, the cards include such terms as “stare decisis,” “en banc,” and “common law,” and also include terms such as “topic sentence,” “client letter,” and “sub-argument.” I also included citation terminology such as “reverse chronological order,” “italicize or underline,” and “fifty words or more.” Finally, there is research terminology such as “pocket part,” “terms and connectors search,” and “table of jurisdictions represented.”

The object of the game, similar to the real Apples to Apples, is to assess what is in one's hand and determine the best match of terms that, at first glance, might not seem to be related at all.

Playing the game was truly an eye-opening experience for my students. At first, many of them

took on the task of playing in a very literal way attempting to “match” cards with the “right” answer. As an example, in one round I was looking over the shoulder of a student who confidently played the card “Legislative History” in order to match the phrase “United States Code.” In the end, the judge for that round chose the term “topic sentence” as his best match for “United States Code.” The rationale for the student opting to submit “topic sentence” was that it was merely a “throwaway” card because he felt he had no good matches. The rationale for the judge selecting the card as the best match was that he was thinking about how I had told the class that when writing a memo that focused on a statute (and at that time we were doing federal research), the first sentence of the discussion should introduce the statute.

Almost all of the rounds progressed in this fashion. Many students “believed” that they had the “correct” match, and not once did the judge for the round select that card. After a while, the students started to see that their thought processes could be expanded beyond an uncompromising belief in what was correct or certain to happen. They seemed then to start to get a feel for the “opposition viewpoint” and realize that there was no precise formula in the law that could be applied to achieve the desired result. All the while that this was going on, the students were also either learning new terms (*pocket part* was a new phrase for most) or reinforcing what they already knew.

The Result

In the end, Legal Apples to Apples proved to be a tremendous success both for the students and for me. From my viewpoint, I had developed a game that enhanced the students’ analytical skills while reinforcing numerous concepts that we had covered in legal writing. It not only complemented my curriculum, but playing the game did not make me feel as though I was taking up classroom time on a game that did not join all of the elements of the bigger picture. It further accomplished something to which all teachers aspire—having his or her students walk out of the classroom still debating and discussing the material from class.

From the students’ perspective, the game proved not only to be fun, but provided a unique learning experience. Beyond the reinforcement of terminology, the students actually learned that they really had acquired an awful lot of knowledge in legal writing. The students also began to internalize that there really were numerous ways that every issue could be viewed, both from their perspective and from the perspective of an “opposing” counsel. Finally, after a few rounds of playing the game, it was evident that the confidence of the students had increased. They stopped being shy and defensive about their choices, and seemed to realize that they knew as much (or, in some cases, as little) as their peers.

Game Show Presenter

During the summer of 2008, I received a summer teaching grant to develop electronic quiz materials to supplement the teaching of legal writing. Although various platforms are available to create multiple-choice quizzes (e.g., TWEN®, CALL, Blackboard), I did not find any of them to have all of the features I was looking for in a quiz creator—primarily, a way to make the exercise both educationally beneficial and entertaining in terms of my being able to integrate animation, sounds, and a variety of colors. Consequently, I searched for an appropriate platform, preferably shareware, that would suit my purposes and be easily accessible for the students. On my way to looking for this product, I happened upon a software package called Game Show Presenter.⁸

Game Show Presenter, available through Bodine Training Games, was similar to the various quiz-making packages, except that it was set up in the form of a game show, complete with an over-the-top host, Vanna White-type sidekick, music, and flashing lights. In some respects, the game was cheesy, but I thought I would test it out for purposes of putting together my multiple-choice quiz ideas in the form of a competitive end-of-semester game. I had attempted to do something

⁸ See Game Show Presenter by Bodine Training Games LLC at <www.almorale.com>.

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“The game enabled me to provide immediate feedback, which the students thought was terrific. They were also highly entertained by the game and asked that we play it again. ...”

like this in the past using manual methods (such as using cooking timers and various bells and clickers to “buzz in,” in addition to keeping score on a chalkboard) but I found that the physical logistics of such a game bogged down the learning experience.

Game Show Presenter handled the physical logistics. It provided for timers, computer buzz-in keys, and keeping track of the number of questions in the rounds. The game also kept score and did the appropriate deduction of points for incorrect answers. One feature I particularly enjoyed was that it also allowed for pauses and adjustments so that the game could be tailored to the class time allowed. It could also be stopped to discuss some of the questions when it appeared that the students needed a refresher about some of the material.

A Test Run

After I developed all of the questions that I would use for the game (focused on legal process, citation, and research sources), I took it for a test run at the end of first semester as a review of the material.⁹

Similar to what occurred with Legal Apples to Apples, playing the game was an eye-opening experience. Both the students and I discovered that they did not think well with a timer going. We also discovered that many students did not know a lot of the material as well as we had hoped. In fact, after a couple of timed rounds during which none of the student groups got the right answers for what I thought were basic questions, I turned off the timer. The percentage of correct answers increased only slightly, but I was then able to discuss the questions and answers and do a full curricular review in the process.

The Result

Had I not played my end-of-semester game, I would not have known right away exactly what the students did not know. Being able to correct misinformation on the spot was very much a

benefit. True enough, I could have given a midterm exam in order to find out what the students had not retained; however, I would not have been able to do any type of review until the second semester. I do not believe that this would have been as beneficial as being able to discuss the material while it was still fresh in the students’ minds. The game enabled me to provide immediate feedback, which the students thought was terrific. They were also highly entertained by the game and asked that we play it again once they did more study and preparation for it. This demonstrated the exact attitude that every teacher would like to see from her students.

Choices

In the past, I believed that choosing to play a game during class meant choosing between full coverage of a topic and entertaining students. Both Legal Apples to Apples and Game Show Presenter enabled me to feel comfortable that I was accomplishing the twofold goal of educating students and doing it in a fun and engaging fashion. Both activities provided the students with the immediate feedback seemingly required by millennial students and both games gave me an insight into what the students were absorbing. Another indirect benefit that was derived was being able to give the students sufficient confidence about what they had learned in the course, and use the group’s collective knowledge to enhance individual knowledge. This is not something that could have been accomplished as well using more traditional vehicles, or in the traditional one-on-one feedback mechanisms generally used in legal writing.

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⁹ The legal version of Game Show Presenter is available at <www.almorale.com/law/>.