

## Click to Refresh: Audience Response Systems in the Legal Research Classroom

*Teachable Moments ... is a regular feature of Perspectives designed to give teachers an opportunity to describe techniques or strategies for presenting a particular research or writing topic to their students. Readers are invited to submit their own “teachable moments” to the editors of the column: Elizabeth Edinger, The Catholic University of America, e-mail: [edinger@law.edu](mailto:edinger@law.edu), or Craig T. Smith, Vanderbilt University, e-mail: [craig.smith@law.vanderbilt.edu](mailto:craig.smith@law.vanderbilt.edu).*

**By Pamela Rogers Melton**

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### Introduction

It is not a secret that most students find legal research to be rather less interesting than, say, torts or criminal law. Teachers of legal research are constantly looking for ways to convey the course information effectively, facilitate retention of the material taught, and keep legal research classes lively and engaging. In my classes, I use an assortment of unconventional strategies, such as games,<sup>1</sup> movie clips, and in-class exercises.

Several years ago, I discovered that other colleges and departments on our campus were using audience response systems (clickers) in their classes. Clickers are small handheld devices that communicate either by infrared signal or radio frequency identification (RFID) with a base station. The simplest devices have a few lettered buttons and the more sophisticated clickers have full number or letter keypads. Students use them to

answer questions posed by their instructors. The answers can be displayed in graphs immediately after the poll is taken. The responses can either be anonymous or the clickers can be registered to individual students so that answers can be graded. Our Center for Teaching Excellence offered a class on the use of clickers, which I viewed as a webinar.<sup>2</sup> I thought that these devices had potential for use in my legal research classroom. When one of our clinical faculty members decided to use them in her class, we bought them for her and I was able to use them in my classes also. I am sold, and have used them ever since.

### Classroom Uses of Audience Response Systems

One good use of the clickers is to ask questions that *assess prior knowledge*.<sup>3</sup> For example, if you start your semester by asking basic civics questions, you can learn whether or not your students know the three branches of government and what powers and responsibilities each one has. This is vital to understanding the sources of primary legal authority.

A related use is to *identify misconceptions*.<sup>4</sup> Students don't come into the legal research classroom as blank slates. Some of what they know is accurate and some of it is inaccurate. Even the best students have some knowledge that is not complete or completely accurate. Many students think that everything is available on the Internet and that everything found on the Internet is equally authoritative and reliable. A few targeted questions

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<sup>1</sup> See, e.g., Pamela R. Melton, *Let Me “Edutain” You: Games in the Classroom*, 2 *Esource for College Transitions* 3 (December 2004), available at <[www.law.sc.edu/faculty/melton/edutain/Esource02n03.pdf](http://www.law.sc.edu/faculty/melton/edutain/Esource02n03.pdf)>.

<sup>2</sup> <[video.sc.edu/cte/clickers03\\_22\\_06.mov](http://video.sc.edu/cte/clickers03_22_06.mov)>.

<sup>3</sup> Erping Zhu, *Teaching with Clickers*, CRLT Occasional Papers No. 22, 2 (2007), available at <[www.crlt.umich.edu/publinks/CRLT\\_no22.pdf](http://www.crlt.umich.edu/publinks/CRLT_no22.pdf)>.

<sup>4</sup> *Id.*

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will reveal the extent of these, and other, common misconceptions and provide a starting place for discussion.

Clickers allow an instructor to *use peer instruction*,<sup>5</sup> a useful active learning strategy. In some classes, students can be grouped in twos or threes and allowed to discuss the question before choosing an answer. The idea is to make the reasoning behind the choices transparent. Students who confer also learn to express themselves better and to listen to their classmates.

### Benefits of Audience Response Systems

The primary benefit of clickers, from my point of view, is to *check understanding of new material*<sup>6</sup> introduced during class. After covering a new source or concept, a quick review using the clickers can reveal whether the majority of the class gets it or whether there is confusion about what a source is, how to use it, or why it would be used. Advocates of clickers have touted gains in retention of knowledge as a result of using clickers.<sup>7</sup> However, the evidence for increased retention is inconclusive.<sup>8</sup> I am using the clickers to determine what the students have retained. I am not so concerned that the clickers facilitate retention.

There are a number of other benefits to using the clickers. The first is that it *resets the students' attention span clocks*. The typical adult learner's attention span is about 15 minutes at the beginning of the class, falling to about three minutes by the end of the class.<sup>9</sup> They surely are not going to be

riveted for a half hour, never mind an hour, no matter what I do. Asking a question using the clickers breaks up the lecture and resets the clock. When lectures are interspersed “with active engagement for students for as brief a time as two to five minutes, students seem re-energized for the next 15 to 20 minute[s]. ...”<sup>10</sup> Clicker questions are not the only way to do this, but they are one good way.

The first section of this article laid out the second benefit, *feedback from students*. You can find out what they know, what they think they know, what they have retained from the class, and what their opinions are. The third benefit is related to the second; it provides *feedback to students*. They can see clearly where their understanding of the subject ranks in relation to their classmates. What is the right answer? Did they get the right answer? Were they the only one who got it wrong? Are there other people who think as they do about a difficult topic?

The anonymity of the polling system serves to *reduce student anxiety*. Do not underestimate the value of this benefit. Law school is famously stressful and first-year students are extremely anxious. Anxiety is an affective barrier to learning.<sup>11</sup> Student anxiety is manifest in the familiar long deadly silence following a question, when no one wants to risk the humiliation of an incorrect answer. But clickers eliminate this anxiety. It costs them nothing to hazard a guess or register an opinion. They will not embarrass themselves in front of their classmates. And if they get the answers right, where the question calls for a definite answer, it reassures them that they are learning what they need to know.

The fourth benefit flows from the third. Anonymity serves to *promote discussion*,<sup>12</sup> where controversial matters are being dealt with. Legal research is not often controversial, at least among the students, but other courses that law students take may produce strong differences of opinion. Clickers can help

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<sup>5</sup> See, e.g., Mazur Group, *Peer Instruction: Collaborative Learning in Large Lectures* (2009), available at <mazur-www.harvard.edu/research/detailspage.php?ed=1&rowid=8>.

<sup>6</sup> Zhu, *supra* note 3.

<sup>7</sup> See, e.g., Robert G. Holmes, et al., *Student Accuracy and Evaluation of a Computer-Based Audience Response System*, 70 J. Dental Ed. 1355 (2006) (finding increased retention in classes using clickers).

<sup>8</sup> See, e.g., Emily Dill, *Do Clickers Improve Library Instruction? Lock in Your Answers Now*, 34 J. Acad. Librarianship 527 (2008) (finding no difference in retention between students in classes using clickers and classes without).

<sup>9</sup> Joan Middendorf & Alan Kalish, *The “Change-Up” in Lectures*, 5 Nat'l Teaching & Learning E. 1 (Jan. 1996), available at <www.ntlf.com/html/pi/9601/article1.htm>.

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<sup>10</sup> *Id.* at 2.

<sup>11</sup> Patricia A. Richard-Amato, *Making It Happen: Interaction in the Second Language Classroom* (1988).

<sup>12</sup> Zhu, *supra* note 3, at 2.

facilitate discussion by revealing the presence of numerous viewpoints in a nonjudgmental way, perhaps emboldening those who hold the viewpoints so that they are willing to articulate them.

The fifth benefit of clickers is that they can create a *method of accountability*, if the instructors choose to do so. When the clickers are registered to individual students, they can be used to take attendance, to record participation for credit, and to record answers for grading purposes.

The final benefit—not to be scoffed at—is that *students like them*.<sup>13</sup> They are fun! When I introduce the clickers, there is real excitement in the room. And in every class thereafter, the students are eager to turn them on and test their knowledge. In contrast to the Socratic method of questioning one student at a time, questions using clickers engage every student.

### Considerations Before Adopting Audience Response Systems

Before adopting clickers, think carefully about the goals of your class. Clickers take class time, so there is less time to cover material.<sup>14</sup> I have decided that I'd rather teach a little less material in the hope that the students will remember more. Each instructor must make that calculation for himself or herself. Clickers change the structure of the class. Classes that were previously all lecture will now be interspersed with questions the students must respond to. The responses may indicate a need to review or revisit a topic. My legal research classes were never straightforward lecture, so the addition of clickers was less of an adjustment for me.

A third consideration is the expense. Some of the clickers systems are quite expensive. Who will pay for them? Will the school absorb the cost, or will the students be asked to purchase their own clicker?

Each company uses its own marketing model. Some sell the entire system—clickers, base stations, and software—as a package. Others sell the clickers and give the base stations to the school if it purchases enough clickers. Others sell the clickers directly to students through bookstores and the base stations separately to faculty or departments.

A fourth consideration is which system to use. The first question to ask is “Does our institution use clickers elsewhere?” If so, using the same system will mean that additional clickers, technical support, and experienced users are much easier to come by. If you are free to go your own way, you must decide if you want a system that is tied to a particular presentation software, as some are, or one that works with any system or with none.<sup>15</sup>

A final consideration has to do with technology in general. Instructional technology not only has big rewards but also has big risks. Everyone who uses technology has experienced its failure at one time or another. My motto is “Technology is wonderful except when it's not.” For some, the rewards and benefits of clickers are not enough to outweigh the risk of failure. Students are predisposed to like technology. However, if they find the clickers difficult to use or unreliable in recording answers, the students will begin to focus on the hardware and not on the subject matter. This is the last thing you want, so ease of use and reliability are paramount.

### Basic Guidelines

Having considered all aspects of clicker use and having decided to give them a try, there are a few basic guidelines to think about. Each class probably has objectives—one or several main points or concepts that you are trying to get across. Clickers are not magic. The best outcomes are “achieved when the instructor thinks carefully about his or her instructional goals and how clicker questions

“Before adopting clickers, think carefully about the goals of your class. Clickers take class time, so there is less time to cover material.”

<sup>13</sup> *Id.* at 3.

<sup>14</sup> Kelley Burton, *Interactive Powerpoints: Is There Any Point in Giving Power to Students?*, 11 eLaw: Murdoch Univ. Electronic J.L. 1, 2 (Dec. 2004), available at <[www.murdoch.edu.au/elaw/issues/v11n4/burton114.html](http://www.murdoch.edu.au/elaw/issues/v11n4/burton114.html)>.

<sup>15</sup> TurningPoint is an example of a clicker system that operates by integrating itself into PowerPoint. The system I use is iClicker, which operates independently from any particular presentation software.

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and related discussion can help achieve those goals.”<sup>16</sup> Those class objectives form the basis of your questions. Try to pose three to five questions for every hour of teaching. I generally use the clickers at the end of class, as a review and a reinforcement of the objectives for that day, but my class never has more than about 20 minutes of lecture at a time.

Try to use the clickers in every class. This isn't always possible, but if students know that there will be questions about the material, they will pay more attention to the lecture. Besides, if they have had to buy their own clickers, they will expect that the level of use will justify the expense.

Most guides to using clickers recommend asking higher-level questions to prompt discussion. Surveys have shown that students don't like simple, basic questions.<sup>17</sup> Unfortunately, this is somewhat problematic for those of us teaching basic first-year legal research. There is often not a lot of higher-level reasoning required. I don't worry about this aspect as I have found that the questions I do ask seem to be challenging enough. There are more opportunities for higher-level questions in the clinical or doctrinal classes.

Finally, give the students immediate feedback on their answers.<sup>18</sup> If there are wrong answers, then there is an opportunity to explain why the right answer is right. That further reinforces the content you are teaching.

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<sup>16</sup> *Clicker Resource Guide: An Instructors Guide to the Effective Use of Personal Response Systems (Clickers) in Teaching* 4, University of Colorado Science Education Initiative and the Carl Weiman Science Education Initiative (2008), available at <[www.cwsei.ubc.ca/resources/files/Clickers\\_Final\\_Version\\_04\\_08.pdf](http://www.cwsei.ubc.ca/resources/files/Clickers_Final_Version_04_08.pdf)>. This is an excellent source of guidance, including lots of examples of effective clicker questions.

<sup>17</sup> Zhu, *supra* note 3 at 4.

<sup>18</sup> *Clicker Resource Guide*, *supra* note 16, at 7.

### Using Clickers at South Carolina

Currently there are four professors and instructors at the University of South Carolina School of Law who use clickers in their classes on a regular basis. Two teach first-year legal research in four sections of approximately 20 students each in the fall semester. A third teaches interviewing, counseling, and negotiating to between 20 and 50 students per semester. The fourth teaches criminal procedure to a class of 80 in the spring semester. Currently, the law school provides the clickers to the students. However, since the same system is used throughout the university, the clickers are readily available for purchase in the bookstores. When the time comes that enough professors use them, the school may require the students to purchase their own clickers. Then the clickers can be used for attendance taking and testing, maximizing their pedagogical potential.

The many benefits of using clickers make them an excellent addition to any pedagogical toolbox. My experience has confirmed what others have found: “[W]hen properly utilized in the classroom environment, information technologies, particularly systems designed to elicit student responses during lectures, can have a significant positive effect on the learning experience.”<sup>19</sup>

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<sup>19</sup> Stephen E. Silliman et al., *Observations on Benefits/Limitations of an Audience Response System* 3, Proceedings of the 2004 American Society for Engineering Education Annual Conference and Exposition (2004), available at <[soa.asee.org/paper/conference/paper-view.cfm?id=19658](http://soa.asee.org/paper/conference/paper-view.cfm?id=19658)>.