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ALL WE REALLY NEED TO KNOW ABOUT TEACHING WE LEARNED IN KINDERGARTEN*

R. LAWRENCE DESSEM**

Being asked to talk recently about teaching to non-law school professors caused me to think about some of the successful techniques I have used or seen used in law school teaching. I was concerned, though, that these techniques might not be transferrable to other teachers in other settings. However, the more I thought about it the more I realized that the techniques we use in teaching law students are comparable to, if not identical with, techniques used by any successful teacher. These are the same techniques we all have seen utilized by our best teachers over our many years of schooling.

I therefore conclude that everything we need to know about teaching we learned in kindergarten. With that in mind, I recommend the following techniques.

Care about your students. My memories of kindergarten revolve around a kindly woman who cared tremendously about her students. If you don't care about your own students, it's tough to be a good teacher.

Truly caring about your students should cause you to do certain things in and outside the classroom. First of all, if you care about your students you will work hard to give them a good educational experience in your course. You will take the extra time to make an average course good and a good course truly outstanding.

Caring about your students means that you will take the time to learn their names and, to the extent possible, a little bit about them. At our law school, we can request black and white photographs of our students, which then are put on seating charts to help us in calling on students in class. At least one of my colleagues cares enough about his students to have these photographs put on "flashcards" which he uses to help him learn the names of his students.

Caring for your students also means arriving early for each class. Both you and your students are busy at the end of the class hour, but the time before class can permit you to get to know students in a less formal setting than during the class period. Students who are disinclined to come by your office to ask a question may be more ready to approach you prior to class.

Your kindergarten teacher always knew your name and was there to welcome you to class each day. She didn't rush into class right before the

* With apologies to Robert Fulghum. ROBERT FULGHUM, *ALL I REALLY NEED TO KNOW I LEARNED IN KINDERGARTEN* (1986).

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bell and read your name off a class roll. Students should expect no less from their law school professors.

Maintain enthusiasm in the classroom. You can't expect your students to be enthusiastic about your subject if you're not. Good teachers are enthusiastic about their subject, their students, and their teaching. They can maintain such enthusiasm, because they realize the importance of their subject and they want to share their knowledge with their students. If you're not sure about why you're teaching what you're teaching, it's tough to be enthusiastic.

Kindergarten teachers don't sit down to teach. They move about the classroom and interact with their students. In their classrooms, many hands go up to answer the teacher's questions and some students are so enthusiastic that they shout out the answers. While teachers must be sure that all students get to participate in class, this type of barely controlled chaos is what I seek in my classes. I want my students to leave the class debating with one another some of the material we've discussed that day. I want my students to care about what they're learning.

There are days in every class when the students are lethargic. I then see my role as similar to that of a football player who waves his hands at the fans in an effort to "get the crowd into the game." On those days I tend to move about the classroom more and ask more questions than I otherwise would. Rather than asking a particular student the answer to a question, I may ask all of the students to "vote" on the answer to a question. Occasionally, I have asked my whole class to stand up and stretch, so that we then could become better engaged with the material at hand.

Get your students actively involved in their own learning. Kindergarten is not a spectator sport in which boys and girls quietly sit at their desks listening to their teacher. Instead, kindergartners play with blocks, color pictures, answer questions, and try things for themselves. We need to keep our own students equally involved in their learning.

In many law school classes, professors still engage in Socratic questioning, which requires students to be ready to answer questions at any moment during the class period. In a class in which Socratic questioning is well done, the learning of all is furthered by the responses of individual students to particular questions. Students soon appreciate that they, collectively, will obtain less from a class if they, individually, are not prepared to participate. Not only does the class benefit from Socratic questioning, but you, as the professor, obtain a good sense of what students know, and don't know, about a particular area based upon the answers to your questions.

Effective Socratic questioning should not degenerate into a game in which students attempt to read the professor's mind. Instead, the professor should work with the answers provided by students and try to use those answers in the developing dialogue. If a student makes a good point, tell her so and try to come back to that position in the later discussion. ("What about the position advanced by Susan Jones at the very beginning of the period?") I sometimes name a rule or theorem after the student who

suggested it; we may as a class refer to the “Jones rule” as our discussion unfolds.

I also believe that, for me to be most effective, every student must assume that she or he will be called on every day in class. I therefore skip around the class to try to elicit something from almost every student in each class. This proclivity earned me the name “Scud Man” during the Gulf War, but students tell me that they appreciate the way in which this questioning keeps them on their toes.

Recognize that students have different learning styles and therefore try different teaching approaches throughout the semester. Remember all of the colorful charts and posters on the walls of your kindergarten classroom to help remind yourself of visual aids. Put your students in role, requiring them to take a specific position or otherwise present material to the class. If you can’t think of field trips that would be appropriate for your class, bring in guest speakers. In assigning readings to your class, ask them to read the material from a particular perspective.

The goal is to help guide your students to become independent learners. If students are engaged in their own learning while in the classroom, the chances are greater that they will continue to learn outside the classroom and away from your presence.

Maintain an atmosphere of mutual respect in the classroom. Whatever your style of teaching, there is simply no excuse for treating your students with other than professional respect. Students, in turn, must appreciate that they, too, will be expected to respect the class and the subject matter. Thus both students and teacher must, absent an exigency, attend and prepare fully for every single class period.

Mutual respect means that you and your students will work through the particular subject matter together. If I get a question from a student about which I’m not sure, I’ll admit this to the student. I’ll then ask the student to work with me to try to solve the problem. If this can’t be done in a class period, I’ll commit to trying to find the answer outside of class and ask the student to do the same. Students should appreciate that there aren’t easy answers to many questions. However, your agreement to try to solve the problem shows your respect for student questions, your students, and your discipline. The good teacher, whether in kindergarten or in law school, is often heard to say, “Let’s see if we can work that out together.”

Follow a syllabus. The casual observer of a kindergarten class may presume that things just happen in the class and that there is no course structure. Such an observation is deceiving, however, for kindergarten teachers are charged with covering quite specific material over the course of a year and they prepare lesson plans to insure that all of this material is covered.

Course coverage must be planned well before the teacher steps into the classroom for the first time. The teacher needs to determine what the course coverage should be, and a syllabus should be written to reflect those decisions. While it may be difficult to follow a syllabus closely the first

time a course is taught, there is no good reason for failing to keep pace with a syllabus semester after semester. This seemed to be a common problem in my own junior and senior high school history classes, in which we never made it very far into the twentieth century. Students were heard to wonder, "What was so great about the 1930s Depression, anyway?"

At the beginning of the semester I prepare two syllabi. The first is the one that I distribute to my students and that lists the material that we will cover during each week of the semester. The second is one that I prepare for myself and that lists the specific material that I plan to cover during each class period. I work very hard to stick to both syllabi. This insures that I will be able to devote the amount of time to each aspect of my subject that it deserves. I also plan my syllabi so that the reading assignments get somewhat shorter toward the end of the semester, and I stick to my syllabi so that there will be no mad scramble to cover the final topics prior to final examinations.

One of our primary goals as teachers is to help our students make connections. In many law school classes, students are presented with so much material that they lose sight of the forest for all of the trees. I start each class with a one or two minute summary of what's brought us to this class: "You'll remember in the last class . . ." Throughout the class I may give students a "preview of coming attractions," telling them that today's material is related to some other material on a specific page in the book that we'll cover in a few days or weeks. I then close each class with a brief summary of where we've come and how we'll build upon today's class in the next assignment.

In kindergarten, we all knew that music was on Mondays, while art and physical education were on Fridays. All students like structure, and their teachers should give it to them.

Don't forget "current events." While you must be organized and follow a syllabus, you can't be tied to that syllabus. To become engaged learners, students have to see the relevance of the subject matter. This means that both you and your students should be sure to bring to the attention of the class matters in the "real world" that pertain to your subject. I love those days on which the morning newspaper contains a story about a judicial decision or legal problem which we are studying in class.

Sometimes it's appropriate to discuss a current event that is not directly related to your subject matter. At the outset of one of his seminars at the Harvard Law School, Felix Frankfurter asked his students if they had seen a current exhibit at a Boston art museum. He was concerned when the students replied that they had been so busy with their legal studies that they had not had time to visit the museum. Frankfurter responded that such a wonderful exhibition was more important than anything they could discuss in the classroom that day. The whole class thus ended up taking the streetcar to Boston to see the exhibit. Current events should be relevant to what you are teaching, but be ready to define your subject broadly.

Have some fun. If you asked most kindergartners why they like kindergarten, they'd probably say "because it's fun." There is no reason that good teaching can't be good fun. In fact, classroom fun can be a great motivator.

As do at least some other Civil Procedure professors, every year in my first year Civil Procedure class we celebrate the case of *Erie Railroad v. Tompkins*. The case is a legal landmark, but not one about which non-lawyers (*i.e.*, law students) have ever heard. In my very first class, I start an "Erie countdown" informing the class how long it is until "Erie day." Several weeks before the class I assign the students to various committees, to handle such things as refreshments, decorations, costumes, and songs, poetry, and dramatic presentations. Students tell me that the resulting party is one of the highlights of their first year of law school.

Some of you may be skeptical: "An in-class party! What do students learn from that!" Well, what did we learn from recess in elementary school? My students work extremely hard before and during the 45 or so hours that I have them in class, so I have no problem with devoting one class hour to less serious pursuits. And, if that's not enough for you, I've found that the party actually encourages traditional learning. For several years I prepared my classes in the law library stacks, which on occasion meant I'd overhear student comments about such things as my courses. The first year I started my "Erie countdown," I was a bit nervous about how this was perceived by the class and whether the thing was "educationally sound." I therefore was quite gratified when, several weeks before we were to read the case in class, I overheard two students discussing the decision. The countdown and accompanying buildup had caused these students to read ahead in the casebook, something that busy first year law students rarely have the time or inclination to do.

In planning your semester, don't forget fun, the role of humor, and an occasional recess.

Practice makes perfect. Outstanding teachers, whether in elementary school or law school, are made, not born. While certain people have innate talents that can make them superlative teachers, no one steps into the classroom for the first time as a fully polished teacher.

To become an outstanding teacher, you must become a student of teaching. Baseball players spend endless hours in the dugout watching other players and trying to learn from them. We need to similarly watch and learn from the many teachers we encounter on a daily basis.

"What teachers are you referring to?" you might ask. I'm not talking about only individuals who have the formal title of "teacher," although there is much to learn from such people. The next time you're in a classroom setting, be sure to consider what the teacher does that's effective and, even more importantly, how it feels to be a student.

In addition to such formal teacher/student settings, consider the effectiveness of the many people who attempt to teach us, motivate us, and communicate with us on a daily basis. Is your minister's sermon more

effective because of the stories or humor she intersperses throughout her message? If Ross Perot's charts are effective in a presidential campaign, can you use visual aids to become more effective in your own classes? What lessons can teachers draw from MTV or *The Simpsons* that will help us communicate better with today's law students?

If you listen to your students, they can help you become a better teacher. Tell your students that you consider their evaluations of your teaching to be very important and ask them to be candid in those evaluations. Create your own evaluation instruments if the university or law school forms don't seek the information in which you're most interested or the responses won't come in enough time to help you make mid-semester course corrections. Evaluate your own teaching performances. Right after every class, I annotate my notes to indicate what worked and what didn't work, what students understood, and what took longer to explain than I had anticipated. Videotape can be extremely helpful in permitting you to evaluate your teaching after-the-fact.

Whatever teaching techniques you use, be sure to separate gimmicks from matters of substance. The more some things change, the more they stay the same. It's truly the case that all we really need to know about teaching we learned in kindergarten.