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“If It Learns Easy, It Taught Hard”¹ Applying Lessons from Practice to the Lawyering Skills Classroom

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The end of the academic year is a natural time for reflection. As I complete my fifth year teaching Lawyering Skills at Boston University School of Law, I am taking time to reflect on my experience. I came to teaching mid-career, after practicing in the litigation group at a Boston firm for fifteen years. I enjoyed mentoring and training junior associates, so teaching was a logical next step. As I reflect on my work as a Lawyering Skills Instructor, I realize that many of the lessons I learned in practice also apply to teaching. The most ubiquitous of these lessons is that good teaching, like good writing and lawyering, takes a lot of hard work. Thoughtful planning and meticulous execution are crucial whether you are lecturing in a classroom or arguing in a courtroom. Here are a few additional lessons from practice that also apply to teaching:

¹ The title of this article comes from a student comment in my fall course evaluations. The comment is based on the quote, “If it reads easy, it wrote hard.” ROSS GUBERMAN, POINT MADE: HOW TO WRITE LIKE THE NATION’S TOP ADVOCATES xxv (2d ed. 2014).

1. A little kindness goes a long way.

I was fortunate to practice in a professionally supportive environment. My colleagues were kind, empathetic, and encouraging. They were interested in my professional development and wanted me to succeed. I try to cultivate this same environment in my classroom. I treat students like I would treat a junior colleague. This means setting high expectations and enforcing firm deadlines but being understanding when things – illness, a family emergency, an unexpectedly busy week – inevitably come up. It means mentoring and advising students on their professional goals and interests. Most importantly, it means setting a tone of kindness and respect inside and outside the classroom.

I have heard this approach dismissed as being “warm and fuzzy” or just being “nice.” But it is so much more than that. It sets students up for success. It is no secret that law students tend to be very stressed.² First-year law students report especially high levels of stress relating to academics, classroom environment, and competition.³ The pandemic has only exacerbated these issues.⁴ Creating a supportive environment makes students feel comfortable enough to be themselves, safe enough to make mistakes (and learn from them), and confident enough to fully engage, empowering them to do their best work.⁵ Modeling this behavior also sets the tone for their professional relationships in practice.⁶

When I think about my approach, I am reminded of something a senior partner used to say about the firm’s culture: “Being a lawyer is hard; the people you work with shouldn’t make it harder.” Being a law student is also hard, and faculty can make learning easier and reduce student stress by cultivating a supportive environment.

² *Law Student Stress*, LSSSE: BLOG (Aug. 18, 2016), <https://lssse.indiana.edu/blog/law-student-stress>.

³ *Id.*

⁴ According to the 2021 Law School Survey of Student Engagement (LSSSE), “the overwhelming majority of students (91%) reported that the COVID-19 pandemic resulted in at least ‘some’ increase in mental or emotional exhaustion.” LSSSE, *The COVID Crisis in Legal Education: 2021 Annual Survey Results* 11 (2021), <https://lssse.indiana.edu/wp-content/uploads/2015/12/COVID-Crisis-in-Legal-Education-Final-1.24.22.pdf>.

⁵ Kindness itself can be pedagogical. Catherine Denial, *A Pedagogy of Kindness*, HYBRID PEDAGOGY (Aug. 15, 2019), <https://hybridpedagogy.org/pedagogy-of-kindness/>.

⁶ Nasir Hussain, *For Lawyers, Kindness is More Than a Virtue; It’s a Requirement*, ABA (Aug. 30, 2017), <https://dev.americanbar.org/groups/litigation/committees/consumer/practice/2017/for-lawyers-kindness-is-more-than-a-virtue-its-a-requirement/?mscl-kid=3c3e0b7ac80a11ecb3c714c7469daa18>.

To create a supportive learning environment:

- Set firm yet realistic deadlines that can be adjusted for students facing challenges.
- Get to know your students and support their professional interests and goals.
- Be kind, respectful, and encouraging.

2. The best style is an authentic (and well-prepared) style.

One of the benefits of practicing in a firm was working with talented lawyers of many different backgrounds and lawyering styles. There was the senior partner who whittled every argument down to three main points, the gregarious trial attorney with a panache for punchy language, and the former judge whose presence commanded everyone's attention. At Boston University School of Law, I am fortunate to work with another group of talented colleagues, each of whom brings unique skills and experiences to the program. I have learned many critical presentation skills from observing and collaborating with my colleagues over the years, ranging from slowing down and embracing silent pauses to giving an entire closing argument or lecture without notes.

As I tell my students, beyond these fundamental skills, the key to being a good communicator is finding the style that works for you. My teaching style is very similar to my practice style. I strive to be clear, informative, and calm. Thus, I often use my former colleague's three-point approach to organizing a discussion, though I tend not to go overboard with punchy language. Although my style comes somewhat naturally, it requires a lot of preparation. Come to think of it, the common denominator among the colleagues whose styles I admire most is the enormous amount of preparation they put into their work. Like them, I need to know the material inside and out to be at my best.

One way I ensure that I am prepared is to spend an inordinate amount of time developing my slides. The more time I spend creating and polishing them, the more comfortable I am when I teach. My slides also become better teaching aids the more I tweak and trim down the material.⁷ As the saying goes "If I had more time, I'd prepare you a shorter PowerPoint."⁸ Just like I would before a

⁷ I strive for consistent formatting, succinct text, and limited distractions in my slides. See *Making Better PowerPoint Presentations*, VANDERBILT UNIVERSITY: CENTER FOR TEACHING, <https://cft.vanderbilt.edu/guides-sub-pages/making-better-powerpoint-presentations> (last visited Aug. 9, 2022, 2:52 PM).

⁸ Of course, this is not an actual saying. It is based on the quote "If I had more time, I'd have written you a shorter letter," which is often mistakenly attributed to Mark Twain. See Kevin Tian, *A Famous Mark Twain Quote – Which Is In Fact A Misquote*, USC DIGITAL FOLKLORE ARCHIVES (Dec. 8, 2015), <http://folklore.usc.edu/a-famous-mark-twain-quote>

hearing, I practice my lectures before class, especially when I am teaching something new. This gives me another opportunity to fine tune my slides and study the material. Then, after countless hours preparing, the best thing I can do when I am up in the front of the classroom is to be myself.

To develop an authentic teaching style:

- *Observe and collaborate with other instructors to see multiple examples of teaching.*
- *Experiment with different methods to determine what works best for you.*
- *Carefully prepare for class and practice lectures in advance.*

3. Real world examples bring lawyering skills to life.

Lawyers are a talkative bunch, and you can learn a lot about legal practice just by talking to colleagues. I vividly remember hearing stories about state court “motion days” where new attorneys learned their craft by spending hours watching experienced attorneys in action, about how the pace of modern practice can leave less time for careful deliberation, and about the various successes and mistakes my colleagues made over the course of their careers. I learned so many valuable lessons during these conversations about being a thoughtful, precise, and ethical attorney and how crucial these characteristics are to building credibility within an organization and the broader legal community.

I try to impart these same lessons upon my students through my own stories. I talk about challenging, yet ultimately rewarding, writing experiences, like the months-long project I received as a summer associate, which resulted in a comprehensive memo that became a trusted resource within the firm. During moot court, I share how nervous I felt before oral arguments, and how I overcame my nerves through preparation and practice. I also talk about the importance of civility when disagreeing with opposing counsel’s arguments and building credibility by accurately stating the facts and legal rules and paying close attention to proper formatting and citations.

In addition, our program tries to emulate the “motion days” my colleague talked about by sending students to court to watch an oral argument before their own motion and moot court arguments.⁹ We also watch several oral arguments in class and discuss the different attorney (and judicial) styles.

which-is-in-fact-a-misquote. Regardless of the source, the sentiment also applies to PowerPoints, and, as I tell my students, to briefs and other legal writing.

⁹ We pivoted to online recordings in response to COVID.

Bryan Garner’s interviews with Supreme Court justices are another great resource to reinforce these lessons.¹⁰ One of my personal favorites is Chief Justice Roberts talking about the moment, after much time spent outlining, an argument “crystallizes” for an attorney.¹¹ Justice Ginsburg’s advice about the importance of being “scrupulously honest” in presenting facts and law to the Court is poignant and instructive.¹² Although a little harder to coordinate, guest lectures allow students to engage directly with experienced practitioners. These real-world examples provide invaluable insight into the lawyering process and bring to life the skills students are learning just like my colleagues’ stories did for me.

To incorporate real-world examples into the curriculum:

- *Draw from your own experience; stories are excellent teaching tools.*
- *Introduce students to practice through court visits and online observations.*
- *Bring in experts using recorded interviews or guest lectures.*

4. Teaching is an iterative process.

In my Lawyering Skills class, we talk a lot about the “Legal Thinking Process.”¹³ It is a multi-step process that includes understanding the problem, researching, outlining, writing, and editing.¹⁴ If you skip any stage in the process, your final product will suffer, and sometimes you have to revisit earlier stages to produce your best work.

I have found the same to be true of teaching. Planning the curriculum, creating assignments, and preparing individual lessons are all important parts of successful course building. If you do not pay enough attention to any one of them, the course will be less effective. Revisiting each part of the course, both during the creation process and after the semester is over, is also crucial. Although core lawyering principles generally remain the same, pedagogical priorities and strategies necessarily evolve.

¹⁰ *U.S. Supreme Court Interviews*, LAWPROSE, <https://lawprose.org/bryan-garner/videos/supreme-court-interviews> (last visited Aug. 9, 2022, 2:55 PM).

¹¹ *U.S. Supreme Court Interviews, Chief Justice John Roberts, Supreme Court of the United States, Part 2*, LAWPROSE, <https://lawprose.org/bryan-garner/videos/supreme-court-interviews/chief-justice-john-roberts-supreme-court-of-the-united-states-part-2> (last visited Aug. 9, 2022, 2:56 PM).

¹² *U.S. Supreme Court Interviews, Justice Ruth Bader Ginsburg, Supreme Court of the United States*, <https://lawprose.org/bryan-garner/videos/supreme-court-interviews/justice-ruth-bader-ginsburg-supreme-court-of-the-united-states-plain-english> (last visited Aug. 9, 2022, 2:57 PM).

¹³ See CHRISTINE COUGHLIN ET AL., *A LAWYER WRITES: A PRACTICAL GUIDE TO LEGAL ANALYSIS* 12 (3d ed. 2018).

¹⁴ *Id.*

For example, legal writing instruction has become more experiential since I was in law school with the adoption of the “flipped classroom” and other methods to free up time for in-class exercises.¹⁵ Moreover, the ABA’s recent call to incorporate professional identity development and education on cross-cultural competency and equal access to justice into the law school curriculum underscores the important work being done to bring different perspectives into the lawyering skills classroom.¹⁶ In fact, writing this piece has confirmed for me that self-reflection and a willingness to try new things are crucial parts of the teaching process.

To implement an iterative teaching process:

- *Methodically plan the curriculum to meet course objectives.*
- *Continually revisit your plan and modify as necessary.*
- *Find time for reflection and keep abreast of new approaches and priorities.*

With so much to do, teaching can feel all-consuming at times. The pandemic certainly has not helped. Since we pivoted to remote learning two years ago, the monitor I initially bought to use when I graded papers at home has become a permanent fixture on my dining room table, beckoning me to grade another paper, check my email again, or tweak my PowerPoint one last time before class. Although I no longer need to keep track of my time in six-minute increments (thank goodness), I often feel as busy as I did in practice. But my efforts are more fulfilling than I ever could have imagined, and they truly result in better teaching, and therefore, better learning.

These are just a few lessons I have applied from practice, and others will, of course, have their own. I look forward to continuing to reflect on my experience and learn from my colleagues and others in the field.

¹⁵ For a discussion of the benefits of a “flipped classroom” see LEXISNEXIS, LAW FACULTY STUDY SHOWS BETTER STUDENT RESULTS WITH FLIPPED CLASSROOM (2017), <https://www.lexisnexis.com/supp/lawschool/resources/faculty/law-school-flipped-classroom-whitepaper.pdf>.

¹⁶ See ABA Revised Standards and Rules of Procedures for Approval of Law Schools 303(b) and (c) (February 2022), <https://www.americanbar.org/content/dam/aba/administrative/news/2022/02/midyear-hod-resolutions/300.pdf>.