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What Would a Veteran Teacher Do? How Novice Teachers Can Learn from Veteran Teachers and Vice Versa

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Being a teacher of legal writing can be overwhelming and intimidating. A legal writing teacher has so much work to do prior to getting in the classroom, and then once in the classroom, a legal writing teacher must manage what happens during class. Moreover, a legal writing teacher must divide time between tasks that occur after class, such as grading students' work and conferencing with them. Novice teachers lack experience with all these stages¹ of the teaching

¹ See generally AMY B.M. TSUI, UNDERSTANDING EXPERTISE IN TEACHING: CASE STUDIES OF SECOND LANGUAGE TEACHERS 22-23 (Carol A. Chappelle & Susan Hunston eds. 2003) (characterizing the stages of teaching as the "preactive" phase of planning lessons and selecting instructional materials, the "interactive" phase of interacting with students in the classroom, and the "postactive" phase of reflecting on lessons and making decisions about future lessons).

process, while veteran teachers have a wealth of experience. Thus, having a veteran teacher to turn to for advice and guidance can be invaluable for a novice teacher. Correspondingly, having a novice teacher to mentor can be invigorating for a veteran teacher.

In this article, we first will share some questions and answers related to each stage of the teaching process: one of us—a novice teacher—asked questions of the other—a veteran teacher—who provided the answers. These questions and answers mimic the nature of the informal mentoring relationship we shared. Second, we will discuss benefits of this mentoring relationship. Benefits include helping both of us to thrive at the different stages of our teaching careers and improving the legal writing program as a whole.

1. Mentoring Throughout Each Stage in the Process

1.1. *Before Getting in the Classroom*

A novice teacher, particularly one who has transitioned from practice, cannot show up on the first day of class and realistically expect to teach legal writing well. Prior to walking into the classroom, a novice teacher needs to be familiar with more than just the course content. Ideally, a novice teacher should have some familiarity with how to deliver that content in a variety of effective ways.² A veteran teacher can explain to a novice teacher why certain instructional techniques work well when teaching legal writing, as shown in the following two exchanges.

Novice Teacher's Question #1: I have been a practicing attorney for years and writing has become so intuitive. How do I get back to the basics of legal writing and start at the beginning, where my students will be?

² Cf. Tracy Hogan et al., *Representation in Teaching: Inferences from Research of Expert and Novice Teachers*, 38(4) EDUC. PSYCH. 235, 236 (2003) (contending that effective teachers must have (1) "content knowledge," an "understanding of the concepts embedded within the domain being taught"; (2) "pedagogical content knowledge," the "ability to convey one's understandings of the content knowledge through multiple models of teaching for student understanding, comprehension, and achievement"; and (3) "pedagogical knowledge," the "skills necessary for classroom guidance, including management techniques, effective communication strategies, and the assessment of student learning").

Veteran Teacher's Answer: I recall when I was first hired, and I reviewed my legal writing book that I had kept from law school. I flipped through that book and saw things that I had highlighted, such as the definition of a "rule." It was hard to believe that I did not know what a rule was, but that helped me to put things into perspective. Therefore, my first tip would be to review the legal writing textbook from a viewpoint of where you were back when you were a first-year law student. A second tip would be to recognize that many of the cases you handled in practice are too complex for first-year writing problems. Especially for the fall semester, try to limit writing problems to first-year doctrinal topics. I found bar prep books to be useful to help remind me of first-year course topics and sub-topics.

Novice Teacher's Question #2: I went to law school so many years ago, and almost all of my classes were lecture only. Law school seems so different now, with flipped classrooms.³ I understand conceptually what a flipped classroom is, but how do I convince students that this is a good way to learn writing?

Veteran Teacher's Answer: Because legal writing is a skills course, lecturing does not work well as a delivery method of legal writing content. As with any skill, legal writing is learned by doing. Practice, critique, and reflection are tools that legal writing faculty use. When a flipped classroom is used, it moves lecture out of the classroom to make room for class time for workshopping writing. Class time can be used for looking at students' practice assignments, reviewing what worked well and what did not work well, and having students translate that workshop into reflecting on their own practice assignment. To get student support for this method, start early with explaining how the class time will be spent in most classes. You also can use analogies to their lives before law school where they had to learn and master a skill. How did they become a good piano player, a strong tennis player, and so on? Relatedly, you can build in some mindset tips.⁴ Explain that everyone in the class has the capability to learn and do well

³ See JONATHAN BERGMANN & AARON SAMS, *FLIP YOUR CLASSROOM: REACHING EVERY STUDENT IN EVERY CLASS EVERY DAY* 5, 13-15 (2012) (pioneering the idea that in a "flipped classroom" students independently consume content before class, and then classroom instruction time is spent advancing concepts, answering students' questions, and engaging students in collaborative learning exercises).

⁴ See CAROL S. DWECK, *MINDSET: THE NEW PSYCHOLOGY OF SUCCESS* 6-7 (Ballantine Books 2008) (theorizing that persons with a "fixed mindset" believe that their qualities of intelligence, personality, and moral character are "carved in stone," whereas persons with a "growth mindset" believe that those qualities can be "cultivate[d] through [their] efforts").

in legal writing. Keeping an open mind and a positive attitude is important. Everyone will make mistakes, but encourage students to hang in there and continue to learn from the feedback. Finally, because of the intensive feedback the flipped classroom provides, students see that the professor is working as hard as they are. Try to align yourself with the students. Agree to put in 110% in providing the feedback and tools they need to succeed, if they do the same in return in the effort put into the assignments. Of course, some students will be resistant to this method and simply want the professor to give them the answers. However, over time, successful students will begin to see why the flipped teaching method works well for learning skills.

1.2. *While in the Classroom*

When a novice teacher has not taught before, knowing how to manage the dynamics in a classroom can be challenging. How should a novice teacher respond when a student says or does a particular thing during class? To gain some perspective, this novice teacher posed the following two classroom scenarios⁵ to the veteran teacher.

Novice Teacher's Scenario #1: I have asked a student a question, and the student responds with a wildly incorrect answer. How do I gently correct that student?

Veteran Teacher's Advice: If the student is answering a question, but is simply incorrect with the answer, one technique would be to ask why the student thinks that the answer is correct. You also can ask for other students' answers and open a class dialogue. Students will see how respectful debate, differences of opinions, and open dialogue are useful between colleagues. Ultimately, though, it is up to the professor to respectfully guide the class to the correct answer.

Novice Teacher's Scenario #2: I ask the whole class a question, but the same few students volunteer to answer, every time. I know that I can cold call⁶ the

⁵ See generally Hogan et al., *supra* note 2, at 240-41 (explaining ways in which veteran teachers have pedagogical and experiential knowledge of how to effectively manage the classroom environment).

⁶ See *The Art of Cold Calling*, HARV. BUS. PUBL'G EDUC. (Mar. 29, 2019), <https://hbsp.harvard.edu/inspiring-minds/the-art-of-cold-calling> (providing reasons why cold calling works in higher education and some best practices for cold calling).

other students in my class, but I am a little nervous about doing so and my students certainly seem nervous, too.

Veteran Teacher's Advice: I found this to be one of the hardest things when I was a new professor. However, recognize that the professor needs to take control of the class. The more students who are involved, the better. You certainly do not want to get accused of favoritism, and students will quickly get tired of those students who are constantly answering. This could cause other students to disengage. My tip is to force yourself out of your comfort zone and start to cold call students. While you may not feel comfortable with this at first, the results pay off. Students will be more prepared for class because they fear they might get called on. Further, you will begin to get more volunteers because students will want to volunteer for "easy" questions so that they do not get cold called on "harder" questions. To do this, foster an environment where a student can answer with "I don't know." You can bet that student will be more prepared the next time. You also can foster an environment where it is acceptable to get an answer wrong. The open dialogue mentioned earlier can help students feel more comfortable speaking up in class. You also can use group work and assign spokespersons for each class to take some of the pressure off of individual students.

1.3. *Outside of the Classroom*

A legal writing teacher's job is not limited to class preparation and classroom instruction time. A legal writing teacher has time-consuming, student-centered tasks to perform outside of the classroom, including grading and conferencing. Understandably, a novice teacher may struggle with which tasks to prioritize, how much time to spend on each task, and how to perform each task effectively. To use grading as an example, a novice teacher may need help with providing feedback to students and then dealing with students' reactions to that feedback. The following three questions and answers capture some of the grading-related challenges this novice teacher faced.

Novice Teacher's Question #1: I understand that I should give students feedback on the substantive content of their memos and briefs. I also understand that I should give students feedback on their writing mechanics and grammar. And, I understand that I should give students feedback on their citation and formatting skills. Given this amount of feedback, how do I not spend eight hours grading each student's paper?

Veteran Teacher's Answer: First, and probably most importantly, keep in mind that you are no longer a practitioner who is tasked with editing a piece of writing for filing. You are the professor, not an editor. That means that you must give feedback for the students to learn from. To help with this, prioritize your feedback on the biggest problems with the writing. For example, a substantive or analytical error might be more important to provide feedback on than a comma problem. If you do need to provide feedback on many different things—substantive and technical—make a comment only one or two times for each error. For example, if a student makes the same comma error over and over, make a comment about the relevant comma rule and perhaps fix one or two sentences with that error. Then tell the student that this error occurs frequently throughout the document and advise the student to continue to look for and edit for the error. Second, develop a comment bank that you can use for any assignment, as well as a comment bank tailored for each individual assignment. This way, you can have comments ready to cut-and-paste into individual assignments, without having to recreate the wheel on every paper.

Novice Teacher's Question #2: I have handed back the graded assignment, and one student is emotionally distraught about the grade. How do I console that student?⁷

Veteran Teacher's Answer: If the student is upset, but not angry, direct the student to focus on the feedback, not the grade. Direct the student to the biggest issues with the writing, letting the student know that you are there to help fix those issues so that the student can improve. Try to put things in perspective by explaining that legal writing is not a course where the grade hinges on only one exam. Students have several chances to improve their grade, but to do so, they must reflect on the professor's feedback and apply that feedback on the next assignment. Some gentle reminders about growth mindset often are helpful.⁸ Finally, give graded assignments back several days before you will agree to meet

⁷ Cf. DIANA DONAHOE & JULIE ROSS, LEGAL WRITING PEDAGOGY: COMMENTING, CONFERENCING, AND CLASSROOM TEACHING Ch. 2 (2013) (ebook), <https://legalwritingpedagogy.lawbooks.cali.org/chapter/conferencing/> (describing various challenges legal writing instructors face when conferencing with students and offering helpful suggestions for dealing with those challenges).

⁸ See generally DWECK, *supra* note 4, at 6-7 (defining persons with a "growth mindset" as believing that qualities, such as intelligence, can be "cultivate[d] through [their] efforts"). The purpose of a legal writing teacher's constructive feedback is to "cultivate[]" students' abilities in writing clear and thorough analyses. Because persons with a growth mindset

with students on that assignment. For example, hand grades back on Friday afternoon, and then start conferences to review the assignment on Monday. By doing so, you automatically build in reflection time so that students' emotions are lessened by the time you meet with them about a graded assignment.

Novice Teacher's Question #3: I have handed back the graded assignment, and one student is livid about the grade. How do I defuse the student?

Veteran Teacher's Answer: If a student is so angry or defensive that the student will not, or simply cannot, listen, then consider sending the student away and ask the student to make an appointment for a future date. This gives the student time to cool off. You can tell that student that you are there to help with improving writing, but you cannot do that if the student is not hearing what you are saying. Ask the student to review the feedback again before coming in for the future appointment. In addition, if the legal writing program has teaching assistants or a writing specialist, the student could be directed to meet with such a person to discuss concerns. This may provide an alternative setting that the student views as less intimidating than meeting with the teacher and may soften the student's anger during the cooling off time.

2. Mentoring as a Two-Way Street

Both the novice and veteran teacher can benefit from a mentoring relationship. For the novice teacher, we found that a veteran teacher can help make the entire job more manageable. A veteran teacher can share shortcuts for how to perform tasks more efficiently, such as using students' samples rather than teacher-prepared samples for in-class editing exercises and utilizing grading rubrics to streamline the grading process. Also, a veteran teacher can explain what tasks should be prioritized so that a novice teacher performs the highest priority tasks first, such as creating writing problems that target a course's learning objectives and meeting grading deadlines. Last, a veteran teacher can share episodic knowledge with a novice teacher. Veteran teachers have years of thinking on their feet in and out of the classroom, and often have heard and seen everything

believe that they can improve through effort, the legal writing teacher can remind students to be receptive to constructive feedback. For instance, students can be reminded to read and reflect on the feedback, attempt to fully understand the feedback, and actually implement the feedback in their revised drafts. Especially with the effort of implementing the feedback, students will cultivate their skills and improve their writing over time.

students typically say and do. Simply sharing their war stories with novice teachers can help provide some baseline context for novice teachers who may confront the same or similar situations with students.⁹

Correspondingly, a veteran teacher can be invigorated by a relationship with a novice teacher. For instance, we discovered that a novice teacher turns a fresh set of eyes to the course content so that the veteran teacher can see where class materials can be improved. Further, a novice teacher may have new ideas for delivering course content that improve upon the veteran teacher's methods. For instance, a novice teacher may propose that a different in-class workshop might work better or that a new way of managing an existing in-class workshop might work better. A veteran teacher, who may have been teaching a particular topic in a certain way for many years, can be reinvigorated by these new ideas and methods.

In addition, the benefits of a mentoring relationship between a novice and veteran teacher can spill over into the legal writing program at large, as it did in ours. For example, when a novice teacher questions why the program made certain curricular choices over the years, a veteran teacher can think about whether new changes should be made going forward to improve the program. Further, the mentoring relationship serves as a way to preserve institutional knowledge that the program has accumulated over the years. This institutional knowledge can be passed on to new members of the program and help them get acclimated to the program more quickly.

In conclusion, to reap these benefits and more, a legal writing program could have an informal mentoring system like ours, where we chatted with each other whenever issues or questions arose. Or, a legal writing program could institute a more formal mentoring system with, for example, regularly scheduled meetings between veteran and novice teachers, with veteran teachers visiting novice teachers' classes, with veteran teachers giving teaching demonstrations, and with novice teachers answering reflection questions.¹⁰ Whether informal or

⁹ Cf. Lisa J. Bigelow, *Class Planning Strategies of Expert and Novice Teachers*, 7 THE SLOPING HALLS REV. 79, 86-88 (2000) (suggesting that novice teachers' methodology will improve with experience and relaying that veteran teachers have a bank of pedagogical strategies to use).

¹⁰ See generally Michael Strong & Wendy Baron, *An Analysis of Mentoring Conversations with Beginning Teachers: Suggestions and Responses*, 20 TEACHING & TCHR. EDUC. 47, 48

formal, mentoring relationships can help both novice mentees and veteran mentors to thrive in their respective teaching careers and can improve a legal writing program as a whole.

(2004) (recognizing that mentoring programs can “focus to different degrees on emotional and pedagogical support” and “may or may not have a formal evaluative” component).