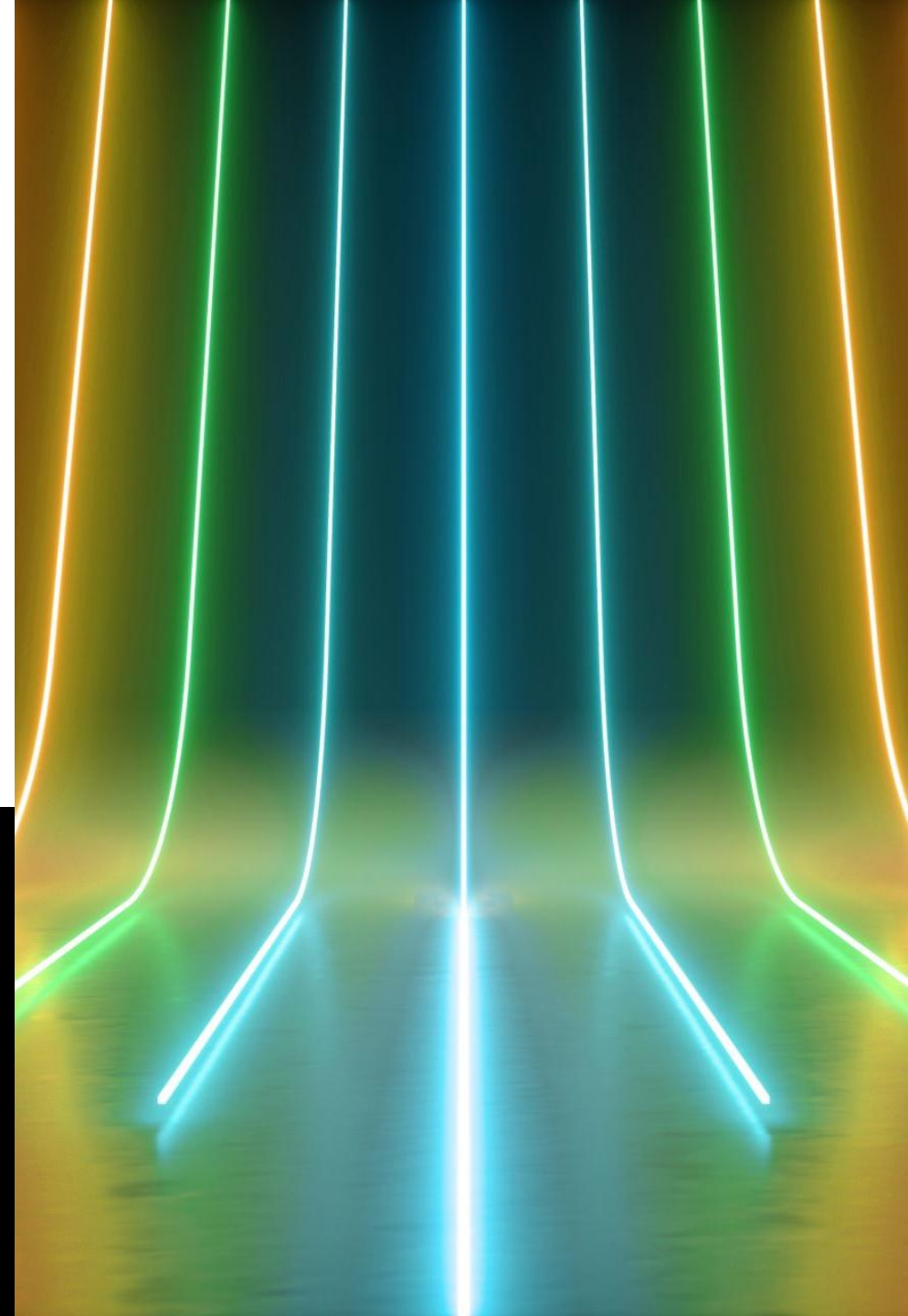


THE USE OF GUIDING OR STUDY QUESTIONS TO ENHANCE STUDENT LEARNING AND ENGAGEMENT

Kathryn Boling
Seattle University School of Law
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SEAN DARLING-HAMMOND AND KRISTEN HOLMQUIST'S 10 HABITS OF "TRANSFORMATIONAL" LAW PROFESSORS

Sean Darling-Hammond and Kristen Holmquist, *Creating Wise Classrooms To Empower Diverse Law Students: Lessons In Pedagogy From Transformative Law Professors*, 25 La Raza L.J. 1, 23-24 (2015).

THE 10 HABITS

Approach teaching with a sense of **Enthusiasm and Empathy.**

Communicate high expectations while creating safe classroom environments.

Provide context for comprehension.

Give the material structure to make it stick.

Get feedback.

Give feedback.

Get practical.

Use the Socratic method to teach, not intimidate.

Modernize. Get current.

Learn from fellow professors as much as possible.

WHAT THE ARTICLE SAYS ABOUT STUDY QUESTIONS

A number of transformative professors suggested using study questions or response papers to provide students with a reason to prepare more thoroughly for class.¹²⁵ They noted that response papers also provide consistent feedback about whether students are learning the content, and a means to identify students who may be struggling.

... I also send out study questions in advance of every class, so people can feel like when they come in they know what they should be thinking about. The expectation is that people will read the questions and formulate answers, and when we discuss the question in class, they'll be able to test themselves against what we ultimately talk about. That's useful to people to get feedback in real time.

--Civil Procedure Professor

¹²⁵ For more information regarding the utility of in-class writing, and suggested approaches, see Berkeley Graduate Division, *Encouraging Participation: Set Pre-Discussion Assignments*, UC Berkeley, <http://gsi.berkeley.edu/teachingguide/sections/participation.html#pre-assignments>.

MY VERSION OF THE TECHNIQUE



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Step 1: Go through the readings and identify takeaways that I think should be in their notes before class.

Step 2: Draft pre-class questions that ask the students to find those takeaways when they are reading.

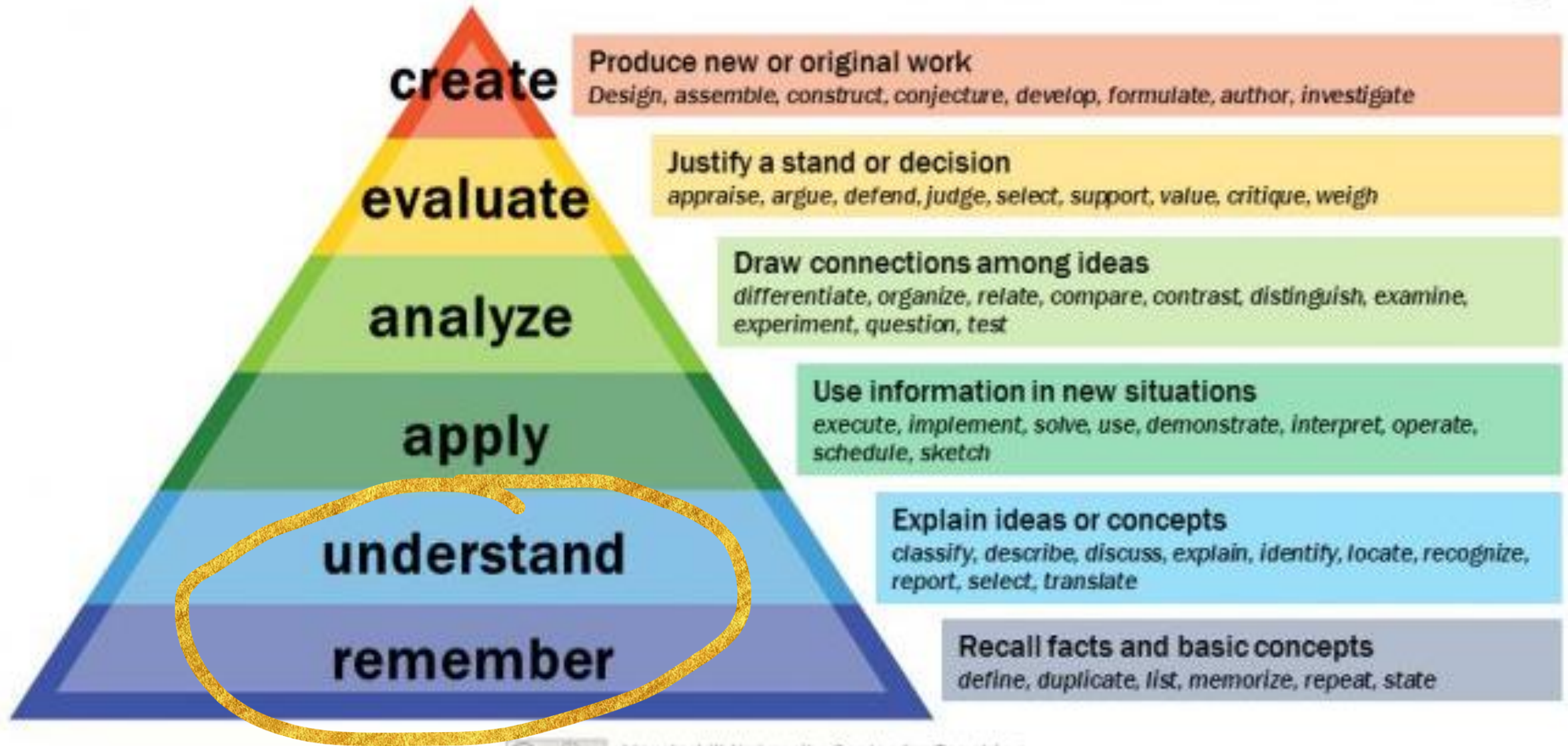
Step 3: Cold-call with the same questions in class.

AGENDA

- **Mechanics / examples**
- **Benefits**
 - **To student learning**
 - **To content coverage**
 - **To my own teaching**

EXAMPLE 1 – PRE-CLASS 3 ASSIGNMENT

- Read LWH sections 11.1–11.2 (Audience and Purpose for Memos Generally, pp. 129-30). Consider these guiding questions while you read:
 - Who is the typical audience of a legal memo?
 - What is the typical purpose of a legal memo?
- Read LWH Chapter 3 (Mandatory vs. Persuasive Authority, pp. 27-36), section 5.1 (How Attorneys Use Cases, pp. 51-54), and Glossary definitions of “Rule,” “Test,” and “Analogous case” (pp. 943, 945, 932). Guiding questions:
 - What are the two steps to determining whether a particular legal authority is mandatory versus persuasive authority?
 - Complete the Exercise in section 3.3 and be prepared to discuss your answers in class.
 - What are the two ways that attorneys use cases?
 - What is a "rule" and a "test"? How are these similar?
 - What do we mean by the term "analogous case"? How is using cases this way different from using them as authority for a rule?



EXAMPLE 2

Read *LWH* sections 15.8–15.11 (Drafting Parties' Arguments, pp. 196-208), which are about drafting the "Analysis" section in the script format. Guiding questions:

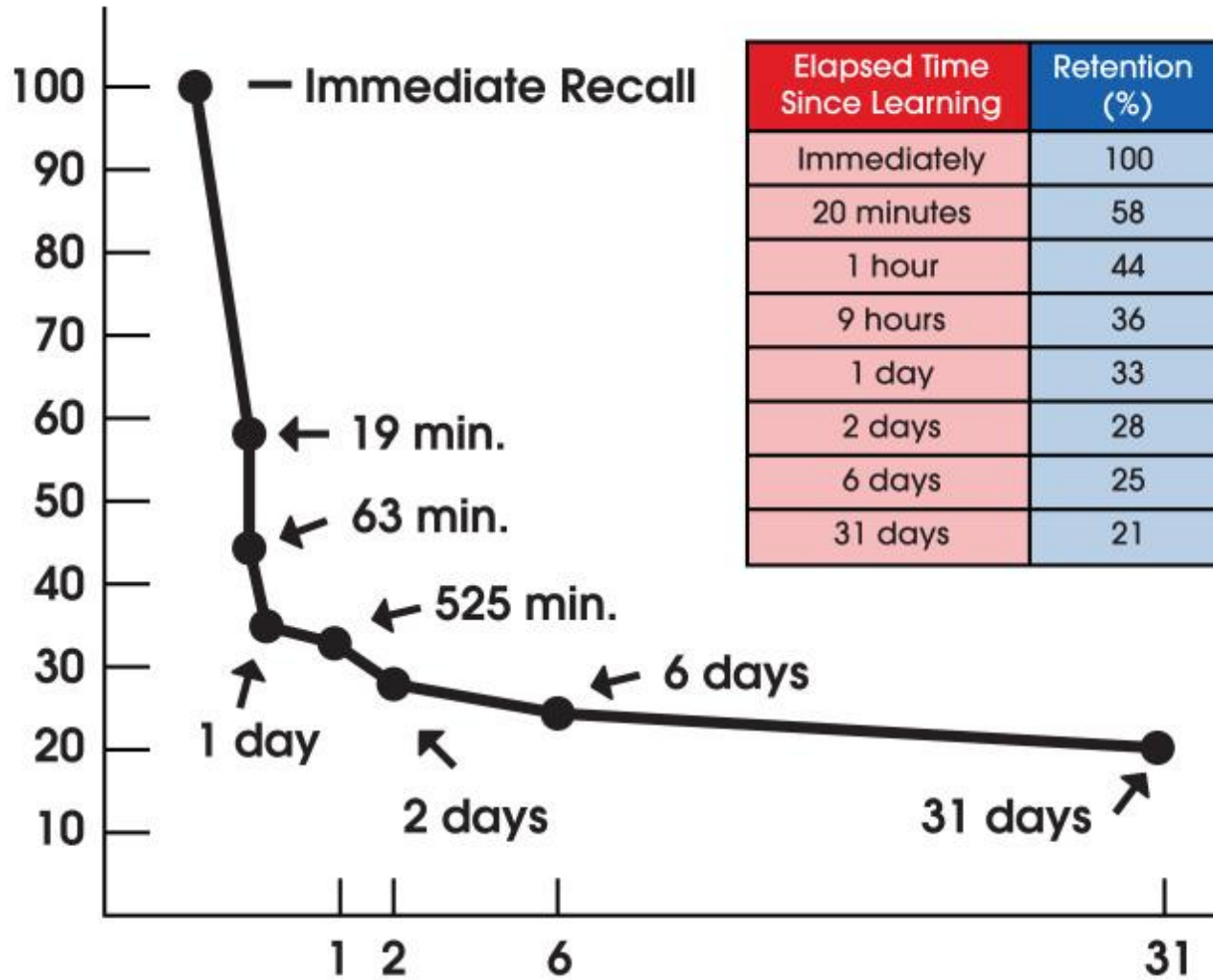
- What is different about your role as the writer in the Analysis section compared to the Rules section and Analogous Case Descriptions?
- What are the types of arguments that the *LWH* identifies? Does each type work for Memo 1?
- Start creating a chart similar to the one on page 203 to brainstorm the arguments that each side will make in the Memo 1 problem.
- What is the "script format"?
- How should you start the discussion of each side's arguments? How would that look for Memo 1?
- Brainstorm some ways you can organize each side's arguments into a paragraph block in Memo 1, with sub-assertions for each paragraph in the body of the paragraph block.
- When using analogous cases to support an argument, how detailed should you be with the facts of your case and the facts of the case to which you are comparing it?

BENEFITS TO STUDENT LEARNING

Get the benefits of cold-calling without most of the harms

BENEFITS OF COLD-CALLING TO THE LEARNING PROCESS GENERALLY

- **A performance expectation provides an extra incentive for the students to do the reading.**
- **Gets everyone talking at some point, enhancing belonging.**
- **Even the students merely listening can test their own comprehension of the readings against that of their peers.**
- **Successful students learn by teaching, a recognized high-order level of learning.**
- **All students must interact with the material a minimum of three times (find it, take notes on it, report it to class)**



THE FORGETTING CURVE

EFFECTIVE STUDY & LEARNING STRATEGIES



Retrieval & Self-Testing

Spaced Practice

Interleaving

MINIMIZING THE HARMS OF COLD-CALLING

No student
discomfort of
any kind

Cold-calling
on guiding
questions

Senseless
hazing



BENEFITS OF COLD-CALLING TO CONTENT COVERAGE

- **Takes advantage of the readings for content coverage**
- **Prevents overreliance on study guides**
- **When the reading is more detailed than it needs to be for my purposes, it helps me signal that to the students**
- **Efficiency with class time**

BENEFITS TO MY TEACHING

- **I don't have to lecture on things that are boring but essential**
- **Feedback about what is most difficult for students to understand**
- **Richer class goals: I can craft my own objectives for each class with the "flow" I want and invite the students into it to contribute the information from the readings in where it best fits**
- **Going through the readings to write the questions forces me to have a clear understanding of why I am assigning the reading in the first place**
- **Beyond content coverage, I can sneak in other gems arising from the readings that I think is important enough to be memorialized in their notes**

AN EXAMPLE OF SNEAKING IN SOME REFLECTION

- Find the Washington Rules of Professional Conduct and read “FUNDAMENTAL PRINCIPLES OF PROFESSIONAL CONDUCT,” and Rules 1.1, 1.2, and 1.3 (including the comments to the rules). Consider these questions while you read:
 - What is the role of lawyers in society?
 - What are the components of a lawyer's duty of competence?
 - How is authority or decision-making power allocated between a lawyer and their client? Does that surprise you? How does that make you feel?
 - What is expected of a lawyer to fulfill their duty of diligence to their clients?
- Read “Professionalism” Chapter of *Essential Lawyering Skills* (pp. 7-24). Guiding questions:
 - What does it mean to be a "reflective practitioner" according to the author?
 - What is "judgment"?
 - What is "integrity"?
 - According to section 2.1.19, what are some circumstances common to happy lawyers? How can you start to create those circumstances for yourself while still in law school?

TRY IT!

Step 1: Go through the readings and identify takeaways that I think should be in their notes before.

Step 2: Draft pre-class questions that prompt the students to find those takeaways when they are reading.

Step 3: Cold-call with the same questions in class.