



PROMPTING STUDENT ENGAGEMENT IN LARGE CLASSES: DAILY EXERCISES AND HYPOTHETICALS

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CHALLENGES OF TEACHING A LARGE INTRODUCTORY FAMILY LAW CLASS

Interacting with students

Providing opportunities for self-assessment

Identifying topics that require further clarification

Exploring open-ended standards

Facilitating discussion of controversial topics

GOALS OF USING DAILY IN-CLASS EXERCISES

Provide more interactivity

Provide opportunities for self-assessment

Preview questions and skills to be tested on the final examination

CHALLENGES/POTENTIAL DOWNSIDES OF USING DAILY IN-CLASS EXERCISES

Monitoring student participation

Most efficient allocation of time?

Keeping the hypotheticals and exercises fresh

CONSTRUCTING IN-CLASS EXERCISES: CONSIDERATIONS AND VARIATIONS

Considerations:

- Objectives to be served
- Available class time
- Most effective methods of providing feedback

Variations:

- Individual or small groups
- Small group discussion format
- Class discussion format

DOCTRINAL EXAMPLE 1 — AFTER *GRISWOLD*

Context:

- Abrams, Cahn, Ross, Meyer & McClain
- Students have just read *Moore v. City of East Cleveland* and *Griswold v. Connecticut*.
- The next reading assignments include *Eisenstadt v. Baird* and *Lawrence v. Texas*.

Goals:

- To review and understand the different doctrinal arguments raised in the *Griswold* opinions.
- To help the students understand the extent to which *Eisenstadt* was an extension/departure from *Griswold*.

Exercise format:

- Small group discussion (5 minutes)
- Class discussion/debate (5-10 minutes)

DOCTRINAL EXAMPLE 1 – AFTER *GRISWOLD*, CONTINUED

Prompt (Group A):

Under Georgia law, “[a] person commits the offense of sodomy when he performs or submits to any sexual act involving the sex organs of one person and the mouth or anus of another.” Sodomy is a felony.

You are a prosecutor in Georgia. The police arrested a man for engaging in sodomy with his girlfriend in his apartment, and submitted the police report to your office. You are aware of the recent *Griswold* decision. Does *Griswold* preclude you from charging the man? What are your best arguments that it does not?

Prompt (Group B):

Under Georgia law, “[a] person commits the offense of sodomy when he performs or submits to any sexual act involving the sex organs of one person and the mouth or anus of another.” Sodomy is a felony.

You are a public defender in Georgia. The police arrested a man for engaging in sodomy with his girlfriend in his apartment, and the DA’s office has decided to charge him. You are aware of the recent *Griswold* decision. Does *Griswold* render the sodomy statute unconstitutional (at least as applied to your client)?

DOCTRINAL EXAMPLE 2 — CONSENSUAL ADULT INCEST

Context:

- Students have read *Moore v. City of East Cleveland*, *Griswold*, *Eisenstadt v. Baird*, *Lawrence v. Texas*, *Zablocki v. Redhail*, and *Obergefell v. Hodges*.
- I do not cover the constitutionality of restrictions on polygamy or incest.
- The next reading assignments focus on the rights and obligations of marriage and entrance into marriage.

Goals:

- To tie together all of the constitutional doctrines.
- To preview the type of question that might appear on a final examination.

DOCTRINAL EXAMPLE 2 – CONSENSUAL ADULT INCEST, CONTINUED

Prompt:

Arizona Rev. Stat. § 25-101A provides, “Marriage between parents and children, including grandparents and grandchildren ..., between brothers and sisters ..., and between uncles and nieces, aunts and nephews and between first cousins, is prohibited and void.”

John is Colin’s uncle. John is 42; Colin is 20 and grew up in New Jersey. John and Colin did not spend much time together when Colin was a child. After Colin went off to college in Tucson, John’s hometown, Colin and John realized that they were attracted to each other. They began a romantic relationship and have lived together for several years. John actively followed the same-sex marriage litigation in Arizona and nationwide, and has asked you, his attorney, whether A.R.S. § 25-101A is no longer constitutional following *Obergefell*.

Instruction to students:

- Outline the constitutional issues raised by this problem. (10 minutes)

Exercise format:

- 10 minutes of individual work (for the purpose of identifying the different constitutional arguments (due process, equal protection))
- 10-15 minutes of class discussion (outlining on the whiteboard)

POLICY EXAMPLE — OPEN-ENDED STANDARDS AND JUDICIAL DISCRETION

Context:

- We have just covered equitable distribution of marital property (including several cases involving uneven division of assets, *Ketterle v. Ketterle* and *Toth v. Toth*).
- We have also covered alimony, the casebook's discussion of alimony guidelines, and Maricopa County's failed attempt to institute alimony guidelines.
- The next class will be a guest lecture by the Presiding Judge of the Maricopa County Superior Court, Family Division.

Goals:

- To engage the students in a focused discussion of the benefits and drawbacks of judicial discretion.

Prompt:

Should the Arizona Legislature adopt spousal maintenance guidelines similar to the advisory guidelines created by the Maricopa County Superior Court in 2000?

Exercise Format:

- Small group discussion to identify the arguments on both sides of the issue.
- Discussion of the issue with the Judge during the next class session.

RULE-BASED EXAMPLE — PROPERTY CHARACTERIZATION

Context:

- When covering rules like property characterization (marital or separate), I will present short hypotheticals to practice applying the rules to a simple set of facts.

Goals:

- To clarify and reinforce simple rules.
- To provide students and opportunity to confirm their understanding of rules.

Exercise format:

- Give students two minutes to read the problem and write down their responses.

Prompt:

Lisa gets into a car accident that results in personal injuries as well as damage to her vehicle. She experiences pain, an inability to sleep, as well as loss of mobility in her right leg. She can no longer go on walks with her husband Ken. She also is unable to work in the restaurant that the couple owns for six months. The jury awards her \$100,000 for pain and suffering, \$100,000 to compensate her for her inability to walk, and \$300,000 for her inability to work. The jury awards Ken \$50,000 for loss of consortium. If they get divorced, what sums are marital property, and what sums are separate property?