

SOME SPECIAL TEACHING TECHNIQUES

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I approach this subject of teaching techniques with some hesitation, because it seems to me that one man's teaching technique may well be another man's anathema. Methods of instruction must necessarily vary with the personality of the teacher, the subject matter to be presented, the size of the class, the length of the session, student level and student type, and a host of other variations which may call for varying techniques.

My excuse, if I need one, for talking about my own special teaching techniques, is that I am somewhat in the position of the sailor who was asked whether he preferred blondes, brunettes or redheads, and answered yes. My forty years of experience in teaching business law have encompassed a wide variety of teaching conditions--day classes and night classes, eager, working students and ordinary free-time students, one-hour sessions and two-hour sessions, and the entire gamut of such teaching variations as one is likely to find in a crowded, teeming metropolis. If I were asked which technique I preferred, I would have to say yes..

What I have tried to do was to select a common denominator of the teaching problems which may be applicable to all these conditions, and to give you my own experience in meeting these problems.

As I see it, this common denominator has two aspects. There is the basic problem of arousing and sustaining class interest, and then there is the problem of depositing a more or less permanent residue of useful training, instead of a stream of learning that flows through the student and passes out into the sea of oblivion once the passing grade has been achieved.

These aspects, I am sure you will agree, are closely inter-related. If the student's interest in a subject is thoroughly awakened and sustained, he will be more likely to retain valuable segments of his instruction as permanent assets in his life's work, and if we adopt techniques to ensure such permanence, to which I shall presently refer, we perforce arouse and compel a sustained class interest. The teaching techniques I have found useful are therefore equally applicable to both these aspects.

First, I start with the premise that you have no problem in interesting your class if the subject itself is bound to interest the student. If something has just happened in which all the students are interested,--a stirring front-page headline, an international crisis, a college football result, anything that touches the student directly,--you have no problem. Now I am and for years have been convinced that

the subject of business law, which is directly connected with the current problems of business and professional activity, which touches us all in a hundred different ways, must necessarily interest the student who is in your class, because in most cases he wouldn't be there if he didn't have an interest in the subject. He must have felt that business law was necessary to his success in some business or profession. And the subject of business law can definitely be made interesting, and even exciting. Hardly a day goes by without some dramatic legal situation breaking into print. Here the lady treasurer of a bank, by an accounting system that defies bank examiners for years, stashes away a million or two in her feminine jeans before she gets caught. If depositors suffer, are the bank directors liable for negligence? A nice question for the class in connection with the subject of corporations. Again, we have the case of the cotton broker who settled a million dollars in trust on his wife as part of a divorce decree, the income to go to the wife unless she remarries, in which event it goes to their married children. Well, the broker loses his fortune, Cupid brings the divorced parties together again, they remarry, and then, as they are about to leave on a second honeymoon as soon as the wife's monthly interest on the million arrives, the trust company advises them that the money now goes to the married children because the wife has remarried. Can the parents compel a restoration of their fortune? A nice question when the subject of wills comes along. Your class couldn't be indifferent to his human situation.

I have made it a practice to start each session with some current topic of public interest which has a legal aspect and which is related to the particular subject under discussion. I read my newspaper with these nuggets in mind, and whenever I find a human interest story with a legal angle, I make a note of it for use as a "teaser" in opening a class session. When the newspapers were full of subcommittee hearings on subversive activities and the riot of Fifth Amendment pleas broke into print, I used the topic as an opening wedge to a preliminary lecture on certain basic constitutional principles, their use and abuse. I then said to the class, "Now you have read the text assignment on these basic constitutional principles, what do you think about the use of the Fifth Amendment for this purpose? When is it justified, and when not?" I had no trouble starting a discussion then and there. My chief trouble was to stop it, but after five minutes I cut the discussion short and launched into the lecture. On one occasion, I fear, I got more than I bargained for. In discussing stockholders' agreements for the perpetuation in office of directors and officers, I brought up the famous case of McQuade v. Stoneham, involving the New York Giants Baseball Club, and the agreement among John J. McGraw, Stoneham and McQuade to perpetuate themselves as officers and directors of the corporation. This, you must remember, was at St. John's University, in the heart of Brooklyn, at a time when the Dodgers were riding high, and the Giants were toward the bottom of the second division. One Dodger fan, with pretended innocence, wanted to know why the court should have bothered with a club like the Giants, which was followed by hot rejoinders from the Manhattan clan and surrejoinders from the Dodgers, and it took me a little while to get the class back on the business law beam.

I have had the unique experience of starting a university law curriculum in a school of commerce from scratch. That was back in 1928, when the School of Commerce was established at St. John's University. In one of my earlier classes during this period, I had three students, approaching the ideal class in nature study, with John Burroughs at one end of a log and his only student at the other. In later years, I had classes with as many as 150 students, and these were two-hour sessions.

In these two-hour sessions, with 150 students in a class, the problem of sustaining class interest was a real one. No matter how active a student's interest may be, he is a human being, and after being lectured to for nearly two hours, his listening capacity necessarily lapses toward the fag end of the session. How much capacity would any of us have to sustain a continuous listening interest for two solid hours? In such sessions, therefore, I found it necessary to resort to frequent intervals of class discussion to break up the continuity of a lecture. I am sure those of you who have talked to a class for any length of time have had no difficulty in detecting these lapses of interest. The students may be looking at you with a deceptively rapt attention, but the fixed glaze over the eye is a dead giveaway. At the first sign of such lapse, I find it most useful to switch the class into a general discussion. If I find that the discussion is monopolized by a few, I ask some of the passive students for their opinion. When I feel that the glaze over the eye has been shaken off, I go ahead with my own discussion.

Here is another situation I have had to contend with, especially in the two-hour sessions, which normally meet only once a week. The interval of an entire week can be deadly to the continuity of a topic in business law. I have therefore found it useful to erect a "memory bridge" to cover these intervals, and the technique I have found useful for this purpose is this: I make careful note of the topic which closed the session, and then, at the opening of the next weekly session, if I don't have a juicy newspaper item handy, and most times even if I do, I start by questioning students on points related to the closing phases of the previous lecture. Such questions serve the dual purpose of starting the lecture with active class participation, and of refreshing the student's mind on the closing topic of the previous lecture, thereby providing continuity for the entire semester.

I want to stress particularly my experience in relating the subject under discussion to the practical problems with which we are daily confronted. The student reaction is invariably excellent. If pertinent current topics are scarce, I fall back on my monthly issues of the General Digest, which reports cases decided in the 48 states of the Union, classified according to subject. Some of these have real human interest. Occasionally I find it useful to borrow from my own practice, especially if, at the time of a lecture, I am engaged in the trial of a case having to do with the subject under discussion. There

is danger, of course, in overdoing this, and giving the appearance of drumming up the idea that you welcome clients, but the instructor's own sense of propriety can easily regulate this sort of thing. I have found that students are unusually interested in cases with which you have actually dealt in open court, especially if they bear upon the subject under discussion. The student realizes that you are discussing a live subject, not a mere set of rules printed in a book. I have found it especially useful to make students rely on their own study of the text for the formulated aspects of the subject, and then to give them as many of these morsels as possible, not only to render the study more palatable, but to keep before them the fact that business law is a live subject.

Now in the matter of ensuring that a reasonable residue of what we give the students survives the final examination. I have always gone on the principle that impression is rarely lasting unless it is followed by expression. Only when a student has to tell you what he knows--when he has to give expression to his impression--to draw it out of himself (I believe the Latin word is educere, to draw out, from which we get our word, "education")--only then can we say that such student really knows what he has been taught. Now, of course we give students a chance to tell us what they know in their mid-term and final examinations. But that's not enough, without continuous recitation. And in our crowded classes of today, continuous recitation becomes impracticable if we are to cover the required ground, and so we fall back on the technique of achievement tests. Now of course these may be nasty words to most students, and perhaps to some instructors, but I believe they are as important as, if not more important than, any other phase of our teaching work. In the absence of full recitation time, and even with it, they provide a reasonably frequent opportunity for students to formulate what they have learned, on a continuous basis throughout the semester, rather than in mid-term and final spurts after cramming sessions. If time permits, of course, the essay type of achievement test is ideal. But in most cases, elaborate achievement tests are impracticable. In my case, I have had to rely on the objective form of achievement test, that lends itself to rapid and fairly thorough coverage of a subject, in not more than ten minutes of class time, with correspondingly formulated answers to the tests, making the problem of grading almost routine. Probably most of you have used this type of testing yourselves. Under existing conditions, this continuous process of making a student tell you what he knows--or doesn't know--is as practicable a method as any I know of for ensuring that a student will take away with him a reasonable measure of what you have tried to tell him.

I believe I have used up my allotted time, and I want to thank you for this opportunity to give expression to a few of my own impressions.