

Chapter 15

Flipping the Constitutional Law Classroom: Engaging First Year Law Students in Active Learning

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ABSTRACT

This chapter explores the initial methods used in developing a flipped classroom model for a first-year Constitutional Law course in a law school setting. It explores this topic from a very preliminary perspective, revealing the thought process and creation of the newly revamped class at the beginning stages, before the model has been implemented in the classroom. This work arises out of a successful proposal that the author submitted to the University of North Dakota's Office of Instructional Development seeking a Summer Instructional Development Project (SIDP) grant. The SIDP award has enabled the author to begin the endeavor of flipping the classroom in Constitutional Law, which will be implemented when the course is offered in the spring semester of 2014.

INTRODUCTION

As a colleague recently noted, law schools have been using a version of the flipped classroom model for decades (Myers, 2013). Following the precedent established by Christopher Columbus Langdell at Harvard Law School in the late 1800s, most law professors use various versions of the

case method in teaching their law school courses (Kimball, 2009). In the case method, law students are typically assigned to read several judicial opinions before class from a casebook, which often provides supplemental notes about the assigned cases and about other cases that have subsequently refined the rules of law being studied in the class. The students are then expected to come to class prepared to engage in a dialogue about the mean-

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ing of the cases and the legal rules or doctrines that can be derived from the cases. Law professors will often use the “Socratic method” of questioning students about the cases to encourage them to engage in critical thinking about the reasoning behind a judge’s decision and the legal theories supporting or opposing such reasoning. Therefore, the flipped classroom, where students are expected to engage with primary materials before class and come prepared to delve more deeply into their meaning (rather than simply listen to a lecture delivering content), presents a familiar instructional model in the law school setting.

I previously approached my Constitutional Law course using a method similar to that described above. However, in learning more about different approaches that could be taken with a flipped classroom template, I decided to experiment with using facets of the flipped classroom in revising my course. This revision has been motivated by the fact that my law school is making other significant changes to the first year law school curriculum. As part of these changes, my Constitutional Law course will increase from two credits to three credits, and will move from the fall of the first year (the students’ first semester of law school) to the spring semester, which means I will be working with more seasoned law students than in the past. In the sections below, this chapter describes in more detail my previous approach to teaching Constitutional Law, and the benefits and drawbacks to that approach. It also portrays the impetus for restructuring Constitutional Law due to the changes that are being made to the first year curriculum as a whole. The chapter then outlines the early phases of the process of flipping the classroom in Constitutional Law, including the steps I am taking to prepare to teach the newly overhauled course next spring. Finally, the chapter will discuss the methods by which I will assess the effectiveness of the new course and determine what additional changes need to be made in the future to improve the outcomes for the students engaged in the course.

IMPETUS AND RATIONALE FOR FLIPPING CONSTITUTIONAL LAW

As noted above, I received a Summer Instructional Development Project grant to overhaul my Constitutional Law course that law students take during the first year of their legal education. This transformation coincides with other major changes within the legal program of study at the University of North Dakota (UND) School of Law. The law school is currently undertaking a significant restructuring of our first year law school curriculum, in order to make the experience more relevant and meaningful for our students. Like many other law schools across the country, all law students at UND take the same set of courses throughout their first year, with Lawyering Skills taught in three smaller sections with about 28 students each, and the rest of the courses taught in one large section with about 85 students. Through the spring of 2013, the first year courses included Civil Procedure, Criminal Law, Property I & II, Torts I & II, Contracts I & II, and Constitutional Law I & II. The faculty at the law school is developing a revamped first year curriculum, in part by adding an innovative new spring semester course called Professional Foundations, and by condensing Property into a one-semester course taught in the fall. Also as part of this restructuring, we are moving Constitutional Law I from the fall semester to the spring semester of the first year, and moving Constitutional Law II from the spring semester of the first year to the fall semester of the second year. Moreover, we are changing Constitutional Law I from a two-credit course to a three-credit course.

In part as a result of this restructuring, I am taking this opportunity to develop a new method of teaching my Constitutional Law course by “flipping the classroom.” I say in part, because another critical factor influencing my decision to flip Constitutional Law has been the inspiration sparked by the multitude of professional development programs for faculty provided by the University of North Dakota, fostering an

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