Is there an app for that?

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A caveat: This presentation is more about questions than answers.
Why me and why this topic?

I’m interested in how students learn, generally, and how lawyers learn, specifically.
One of my motivations for this:

I took the California Bar Exam 3 times. And the Washington State Bar Exam once.

(Sticking a pin in that until the end)
Sadly, I am not alone ...

LAW SCHOOLS

With Second-Worst Pass Rate In More Than 30 Years, Almost Everyone Fails California Bar Exam

The overall pass rate was just 31.4 percent.

By STACI ZARETSKY

May 20, 2019 at 11:42 AM

Slight exaggeration - the headline, that is. Just the headline.
<table>
<thead>
<tr>
<th>School Type</th>
<th>First-Timers</th>
<th>Repeaters</th>
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<tbody>
<tr>
<td>California ABA</td>
<td>45%</td>
<td>38%</td>
</tr>
<tr>
<td>Out-of-State ABA</td>
<td>48%</td>
<td>30%</td>
</tr>
<tr>
<td>California Accredited (but not ABA)</td>
<td>21%</td>
<td>13%</td>
</tr>
<tr>
<td>Unaccredited: Fixed-Facility</td>
<td>0%</td>
<td>8%</td>
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<tr>
<td>Unaccredited: Correspondence</td>
<td>29%</td>
<td>22%</td>
</tr>
<tr>
<td>Unaccredited Distance Learning</td>
<td>28%</td>
<td>10%</td>
</tr>
<tr>
<td>All Others</td>
<td>42%</td>
<td>22%</td>
</tr>
<tr>
<td>All Applicants</td>
<td>41%</td>
<td>28%</td>
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</table>
My goal? (Among many others)

Help students find out how they learn best

“One of the gaps or problems in the educational system is that no one ever helps a student figure out how to learn, and yet that's the primary challenge a student is faced with. You've got to assist them with how to do that. And that's where I think we're failing somewhat.” - Mark McDaniels, Professor of Psychological & Brain Sciences, Washington University in St. Louis
What works (that we know about)
The Growth Mindset

**Fixed vs Growth Mindset**

**Fixed**
- People with fixed mindsets believe that:
  - Skills, intelligence and talents are natural.
  - Failure is shameful and should be avoided.
  - Some people are naturally good at things while others are not.
  - You are not in control of your abilities.
- Not Necessary or Useful
  - See effort as a negative thing and something you do when you're not that good.
- Avoid
  - Back down and avoid challenges.
- Defensive
  - Get defensive, take it personally, ignores useful criticism/feedback.

**Growth**
- People with growth mindsets believe that:
  - You have the capacity to learn and grow your skills.
  - Failure is a valuable lesson.
  - People who are good at something are good because they built that ability.
  - You are in control of your abilities.
- Important Part of the Process
  - Focused on the process of getting better.
- Embrace
  - More likely to embrace challenges and persevere.
- Improve
  - See mistakes as learning opportunities and ways to improve.
- Constructive
  - Appreciate feedback and use it. Learns from criticism.
Retrieval practice: (NOT just endlessly reviewing outlines but actually quizzing and testing what you know)
Spaced repetition (or, the Leitner method of reviewing flashcards)
Handwriting notes rather than typing/transcription (my students don’t like hearing this)
Step 1
Write the name of the concept at the top of a blank piece of paper.

Step 2
Write down an explanation of the concept on the page. Use plain English. Pretend you are teaching it to someone else (e.g., a new student). This should highlight what you understand, but more importantly pinpoint what you don't quite know.

Step 3
Review what you have pinpointed you don't know. Go back to the source material, re-read, and re-learn it. Repeat Step 2.

Step 4
If you are using overly wordy or confusing language (or simply paraphrasing the source material) try again so you filter the content. Simplify your language, and where possible use simple analogy.

The Feynman Technique (although finding a child may be the hardest part)
Now, a violent segue into gamification

“Gamification’ is an informal umbrella term for the use of video game elements in non-gaming systems to improve user experience (UX) and user engagement.” -

ODDLY … there is a LOT of scholarly material about tech & legal ed
… but almost nothing about gamification in legal ed

Mostly false positives, so the real result was single digits
From Professor Stephanie Kimbro, Stanford Law School:

“Gamification occurs when you take a process, such as shopping for a product or entering data into a website, and add game elements, such as progress bars, badges, rewards, or recognition, to that process to motivate the user to complete the tasks in a more desired way. Gamification strategies have been used in businesses with differing levels of sophistication for issues including customer relationship management, training, market research, business intelligence, and education.”

Why games?

- They’re pervasive
- They use models and simulations that are based on reality
- They’re engaging
- They are proven to make a positive impact on cognition and behavior.
- They yield a lot of data about users/players
- They provide a safe environment.

Existing gamification in the legal academy

**Earn Rewards while you improve your research skills.**

**What is the LexisNexis® Rewards Program?**

You’ll earn LexisNexis® Rewards points for research and training. Redeem them for an Amazon.com Gift Card,* or thousands of items in the Rewards store. Look for our Rewards tab on Facebook to learn more: facebook.com/LexisNexis4LawStudents

**Your first 400 Rewards points.**

You’ve earned your first 400 points — worth a $5 Starbucks Card, $5 Amazon.com® Gift Card or a donation to charity — just by registering your LexisNexis ID. Redeem your points easily by clicking My Rewards at: lexisnexis.com/lawschool.

Don’t need anything? Be a giver!

If you came to law school to make a difference, LexisNexis Rewards gives you a great opportunity. Donate your points to the charity you choose. Just go to Donate Now after clicking My Rewards on the Law School Home Page, lexisnexis.com/lawschool.
My own bias: Gen X casual gamer with lots of gamer friends

How some acquaintances of mine legitimately lost weight and started getting active: playing Dance Dance Revolution on their PlayStations
How I started learning French & how to jog:
Gaming downsides from some colleagues:

★ “Unfortunately, many equate gamification with points, badges, and leaderboards (or PBLs)-the lowest forms of gamification. PBLs can be hugely demotivating if you're not scoring in the top five.” Debbie Ginsberg & Michelle Spencer, “Real-World Legal Technology Training,” AALL Spectrum, Mar/April 2018

★ “A common criticism of schools is that knowledge is gathered for exchange value instead of encouraging exploration. Leaderboards and badge systems simply swap out one value (grades) for another (rank/points/prizes). Worse still, as C. Scott Rigby discusses in her article "Gamification and Motivation," studies show that rewards can have the paradoxical effect of decreasing interest in the core activity itself. The rewards pull focus from the fundamental value of the activity and stunt the development of internalized motivation.” Casandra Laskowski, “Pedagogical Lessons from Video Games,” AALL Spectrum, Mar/April 2019
However, I think there’s room for SOME gamification ...

“Although critics of gamification have valid concerns about the way it is frequently applied, particularly in business settings, most of these concerns can be overcome by taking the time to selectively apply gamification programs that are narrowly applied to specific goals.”

What’s out there?
When was this last updated??
Self-made games

**Touro Trial**

I use a PowerPoint jeopardy type game called Touro Trial as a collaborative authentic assessment midway and three-quarters of the way through the fall semester to gauge what skills need further reinforcement and what the students have learned. Touro Trial serves to assess a student’s ability to think through a problem, answer citation questions, and explain how to do research, while presenting the answer to each question in a courtroom manner. Students work in teams to answer questions of increasing difficulty presented on PowerPoint slides, and the students compete against other teams to answer the question correctly first. Questions range from “write the cite” to questions asking about how to research an area of law or how to find a case or statute. Students earn “Touro Trial dollars” for correct answers and the ultimate goal is to be the team with the most money.

Not a game, definitely an app

Study Smarter with Digital Flashcards

Quizlet
Price: Free / iOS & Android
Along the lines of Quizlet, we have Spaced Repetition.
A Tip

In rem P Джеймса occurs with respect to actions for condemnation (eminent domain cases), forfeiture of property to the state (e.g., when the property is used for the unlawful transportation of narcotics), and settlement of decedents’ estates.

Question

Is there freedom of the press to publish illegally obtained calls/information?
You have 10 new cards to study and 0 cards to review today!

Study Now!

Opt out of notifications.
From Stanford: Law Dojo
http://www.lawschooldojo.com/
Can the government see the phone numbers you have dialed, without getting a warrant?

Yes

No

+100 points.

600 Points

Right Answers

5 out of 9

You needed to score 5300 more points to beat this level.
And Learned Hands (Stanford & Suffolk Law: https://learnedhands.law.stanford.edu/)

What is Learned Hands?
Learned Hands is a game in which you spot possible legal issues in real people’s stories about their problems. You read the stories, and then say whether you see a certain legal issue — family law issues, consumer law issues, criminal law issues, etc.

The game is also a research project. Each time you play, you are training a machine learning model to be able to spot people’s legal issues. This model will be used to develop access to justice technologies that connect people with public legal help resources. It will help us to make a Rosetta Stone for legal help — linking the legal help guides that courts and legal aid groups offer to the people who are searching for help.
I signed a 3 year lease for an apartment...

At the end of this 3rd year, I was told I had to give termination notice before January. Otherwise I am not actually terminated and my lease renews for a year.

Disappointing, but ok my bad. Months go by and I find a lease takeover.

But NOW they're telling me I'm actually terminated and can't do a lease takeover.

They said it was, "Due to a bug in the system"

Can I be terminated without even signing anything?

If not, am I on grounds to deny being terminated or receive compensation for this ring around yes/no hassle they've given me?

Do you see a legal issue around Accidents, Injuries, and Torts (Problems with Others) in this post?

Read the scenario (some of these taken from Reddit) and choose whether it’s relevant. You get points if you match the consensus.
Congratulations!
You spotted 7 legal issues.
Thank you for your hard work!

Stats for this game

- **15 Labels**
- **750 Points**
- **7 Issues spotted**
- **3 minutes, 57 seconds**

Play Again

Your Overall Stats

- **22 Labels**
- **1100 Points**
- **0 Quality Score**
- **#134 Rank**
The Leaderboard: look how high I am after one bout!

<table>
<thead>
<tr>
<th>Rank</th>
<th>Username</th>
<th>Points</th>
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<tr>
<td>1</td>
<td>Margaret Hagan</td>
<td>321,850</td>
<td>2 hours, 13 minutes, 20 seconds</td>
</tr>
<tr>
<td>2</td>
<td>Emma</td>
<td>200,200</td>
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<td>3</td>
<td>Legal Eagle</td>
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<td>3 hours, 12 minutes, 6 seconds</td>
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<tr>
<td>4</td>
<td>Diana</td>
<td>3,000</td>
<td>2 minutes</td>
</tr>
<tr>
<td>5</td>
<td>Sarah Lilly</td>
<td>2,700</td>
<td>1 minute, 45 seconds</td>
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<tr>
<td>6</td>
<td>kiwikwi</td>
<td>1,200</td>
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<tr>
<td>7</td>
<td>LAC</td>
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<tr>
<td>8</td>
<td>Miss El</td>
<td>950</td>
<td>3 minutes, 57 seconds</td>
</tr>
<tr>
<td>9</td>
<td>Mtn</td>
<td>700</td>
<td>56 seconds</td>
</tr>
</tbody>
</table>
How do we test what’s out there versus what works?
The Long Now goal I’d like to present at a future conference

★ Qualitative and quantitative assessments of law school study products
★ Formal and informal assessments by librarians, IT, faculty and students (especially students)
★ Guides and tools to help students figure out how they learn most effectively and which tools may be best suited for that style
Until then ...

★ Talk with students, faculty, colleagues about:
  ○ What they are using now
  ○ What they prefer
  ○ What our growing understanding of learning and brains indicate
★ Encourage experimentation and demonstrations
★ Collect anecdotes, impressions and (maybe one day), data ...
Why re-open this conversation?

★ To figure out what’s already been said
★ To find out what’s already been done and:
  ○ What should be discarded
  ○ What can be done better
★ To spread the word about what works and what types of students it works for
None of these products can, should or will replace outlining, practice essays and traditional review (or if we’re honest, cramming). But they can be used to supplement outlining, practice essays and traditional review.
BTW - I did pass the bar eventually. How?
I cheated … not on the actual test! But on the practice

I bought this book and its companion, opened it up … and was paralyzed at the thought of writing an essay from scratch, even for my eyes only.

So, I peeked at the model answer. And copied it.

Next essay - I peeked again.

The next essay, I ran through the issues I spotted in my head and just copied down the model answer. Anything I missed in my head review sent me back to the flashcards and Barbri outlines.
At the time, it felt like I was copping out and ‘cheating’.

But what I was really doing was reverse engineering how to write a solid bar essay. BY COMPLETE ACCIDENT.
In regards to my own gamification efforts:

Je nais parle pas francais

ou

Je parle un peu francais
Dead last!
Other races I did after being chased by virtual zombies …
My last thought: gaming isn’t THE answer for ALL students, but if it’s an answer to some students -- why not encourage it?
Immediate feedback & anecdotes (i.e., your turn to school me)