The Flipped Classroom: Fad or Innovation?

INTRODUCTION

The flipped classroom emphasizes hands-on in-class learning, with the delivery of content occurring largely outside of the classroom. Within these broad confines, there is not a single right way to flip; instead, the flipped classroom can take many different formats and structures.

From its quiet beginning in a rural high school chemistry classroom, the flipped classroom has grown into a vast pedagogical movement. This movement has crept into all levels of education, from grade school through law school. Is flipping a fad, a flash in the pedagogical pan that’s going to fade when the novelty wears off? Or is it innovation, a new and different solution to an existing need?

Within the legal writing community, flipping is neither fad nor innovation: student-centered, active learning has been a centerpiece of our classrooms for years. And it has to be for any teacher who is

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1 **JONATHAN BERGMANN & AARON SAMS, FLIP YOUR CLASSROOM: REACH EVERY STUDENT IN EVERY CLASS EVERY DAY 3** (2012).

[27]
thoughtful and deliberate about reaching students with a variety of learning styles.

Within the broader law school context, we don’t know whether flipping is fad or innovation because we are too early in the dialogue. In this temporary limbo between fad and innovation lies a golden opportunity. The legal writing community has always been at the forefront of teaching in law schools, and we are the ones who have been thinking, talking, and writing about pedagogy for years. We know that student-centered, active learning is effective. And we are very good at facilitating it. As a result, we are in an incredible position to both shape the dialogue about flipping the law school classroom, and to assist in its development and implementation in the broader law school context.

In other words, this movement is ours to lead.

As we prepare to take on this leadership role, there are four critical items on our agenda. First, any new movement that inspires passionate responses and promises to revolutionize traditional approaches runs the risk of burning out. Flipping is no exception. Therefore, one of our jobs is to set flipping up to be a lasting innovation and prevent it from becoming a fad. Second, we should recognize that flipping offers us a new way to think about what we already do. As a result, we should engage with the broader educational community so that we can capitalize on the new innovations flipping can bring to our own classrooms. Third, we should be aware of and reflective about the potential pitfalls that flipping can pose. And fourth, we should take advantage of the current enthusiasm for flipping—even if we have been doing the same thing by a different name for years—because this enthusiasm can aid our own professional development and the development of our profession.

I
SAVING FLIPPING FROM FADDISHNESS

Active learning in the classroom is so effective that we don’t want the current movement to be a flash in the pan. So the first question is how do we save flipping from faddishness?

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2 This is not to say that non-writing classes are not flipping: Some classes are, and the professors in these classes appear deeply committed to providing a student-centered, active learning experience. See, e.g., Julia L. Ernst, Flipping the Constitutional Law Classroom: Engaging First Year Law Students in Active Learning, in PROMOTING ACTIVE LEARNING THROUGH THE FLIPPED CLASSROOM MODEL 282 (Jared Keengwe, Grace Onchwari & James N. Oigara eds., 2014).
One of the best things we can do is to keep the focus where it should be: on student learning. The ironic thing about the current dialogue on flipping is the heavy focus on video lectures. Video lectures outside of class appear to be the centerpiece of the dialogue on flipping. As a result, that's the starting place for many educators who are trying out the flipped model: They record their lectures and build from there. Significantly, however, if our goal is to prioritize student-centered active learning, then the right starting place is not how the professor is going to deliver content. The right starting place is to identify what we want our students to learn in the classroom. Then, we need to figure out how to best facilitate that learning during class. Once we have that figured out, we need to understand how to set our students up to succeed during class. Then, and only then, does content delivery come into the picture.

Focusing on content delivery first is not just illogical; it's dangerous. It suggests that the real key to flipping and the biggest challenge is content delivery. While content delivery can be challenging, it's something that professors have been doing for a long time. The major challenge is how to facilitate active learning for about ninety percent of a class session. That’s tough. Developing effective in-class exercises and group activities is incredibly difficult. Legal writing professors have a leg up on our colleagues because we already spend at least some of our classes engaged in active learning. But most of our colleagues haven’t. And, given the current dialogue’s primary focus on content delivery, it’s likely not intuitive to most people that developing and facilitating the in-class activities is the biggest challenge. If professors spend the bulk of their pedagogical firepower on content delivery, then the flipping experience is at serious risk of flopping.

3 Jon Bergmann et al., The Flipped Class: What It Is and What It Is Not, DAILY RIFF (July 9, 2013, 8:40 PM), http://www.thedailyriff.com/articles/the-flipped-class-conversation-689.php (explaining that “[w]hen most people hear about the flipped class all they think about are the videos”); Aaron Sams & Jonathan Bergmann, Flip Your Students’ Learning, 70 EDUC. LEADERSHIP 6, 16 (2013), available at http://www.ascd.org/publications/educational-leadership/mar13/vol70/num06/Flip-Your-Students’-Learning.aspx (observing that “[w]hen educators hear the terms flipped classroom and flipped learning, typically the first thing they think of is a teacher-created video that students watch at home, as though that were the essential ingredient”).
II

CAPITALIZING ON THE INNOVATION OF FLIPPING

Even though student-centered active learning has always been a centerpiece of the legal writing classroom, we can still benefit from viewing our classes through the lens of the flipped classroom. It’s unlikely that many of us spend ninety percent of class time on active learning. The flipped approach challenges us to do just that. And, as a result, the flipped approach challenges us to become even better at facilitating in-class active learning activities. If we’re going to spend ninety percent of our class time on active learning, we need to become expert group work developers and facilitators, and our students need to become expert group work participants. These are learned skills.4

There are countless ways to become an expert group work developer and facilitator and an expert group work participant. I flipped the second half of my class during the spring of 2014, and I can confirm I am not yet an expert. But I aspire to be one, and I have improved tremendously. My students have improved too, and their experiences with group work became more and more satisfying throughout the semester. Here’s how we did it:

First, I asked the students for feedback on group work exercises. What worked? What didn’t? This helped me identify ways I could improve, and it gave the students buy-in into the process.

Second, we talked about ways to be a good group member. This gave the students an opportunity to reflect on the responsibility that comes with being a group member and the roles they could fulfill. They tried to figure out how to lead in their own way—which could be by participating a lot, asking questions, eliciting information from other group members, keeping the group on track. This developed buy-in, and the students accordingly developed a keen awareness of their responsibility for the success of the activities in the process.

Third, I learned that just announcing the objective and orally delivering the instructions was ineffective for group activities that were going to take more than a few minutes: Some students were always confused, and they then confused their peers. So, I made written guides for each in-class activity that listed the objective at the

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top, gave the big picture instructions, and then walked them through each part of the activity.

Fourth, I learned that students benefitted from coming back together as a class to share questions and highlight key takeaways. In the past, I waited until the end of the activity to do that; when I discovered how much the students learned from that part of the exercises, we came together as a class several times throughout each activity.

The flipped model also challenges us to think critically about content delivery. I used to be very committed to making the students listen to the lecture and take notes; I never shared my lecture notes with them, and I never posted PowerPoint presentations. This is because I believed that students need to be able to extract the key information from their reading and class discussion. While I still believe that students need to know how to extract key information from their reading and class, flipping helped me prioritize what I wanted from them. I found myself doing things like creating guides for the students on how to write different parts of a memo—these guides were essentially nicely formatted versions of my lecture notes. I realized that, ultimately, it was more important to me that the students were able to participate in the in-class activity than it was that they figure out how to distill the critical information from their book and the class discussion.

Though I am still struggling with how to deliver critical content to my students, flipping has forced me to move away from attaching a significant portion of the rewards to the skills that make someone a generally good student, and move toward attaching almost all of the rewards to the skills that make someone a good legal writer.

III
CONCERNS TO ACKNOWLEDGE

The biggest problem with flipping is that you don’t always know if a student is actually absorbing the material outside of class.\textsuperscript{5} When you’re delivering content in class, you can usually tell by the

\textsuperscript{5} Michelle Fung, \textit{Turning the Tables on Flipped Classrooms,} GRUMPY GIRAFFE (Jan. 19, 2013), http://thegrumpygiraffe.wordpress.com/2013/01/19/turning-the-tables-on-flipped-classrooms/ (“The flipped classroom assumes that all students can understand the material with relatively little error. In truth, this is absolutely not true. [When a] student misunderstands the concepts . . . fossilization [occurs]. Fossilization is the process through which an error is ingrained in the student’s understanding of a concept due to a prolonged duration of not fixing the error. This happens when the teacher does not correct the student’s error at the time of committing the error.” (emphasis in original)).
furrowed brows and questions when students need additional help. When you deliver content outside of class, you don’t see the furrowed brows, and you’re not available to answer questions right away. If a student doesn’t get it, there is a serious risk that she’s not going to get much out of class that day. Many professors with flipped classrooms address this concern by administering diagnostic quizzes at the beginning of the class to ensure that the students are prepared to undertake the upcoming in-class learning activity.

Not knowing whether a student actually understands the material is especially dangerous in legal writing for two reasons. First, it’s much more challenging for us to identify students who aren’t getting it before we begin in-class activities: Legal writing does not lend itself as easily to a diagnostic quiz at the beginning of a class period the way that a contracts or a constitutional law course does. Second, students are less able to self-identify when they don’t understand the material in legal writing. Students walk into their contracts class (for example) and know that they have no idea what the law of contracts is. In that scenario, they are fairly capable of recognizing when they don’t get it and need help. The danger in legal writing is that our students frequently come into our classes believing that they already know how to write.

To save flipping from becoming a flop in our own classrooms, we need to be attuned to this challenge and find ways to overcome it.

IV
PROFESSIONAL DEVELOPMENT AND DEVELOPMENT OF THE PROFESSION

The current enthusiasm for flipping is a great opportunity for legal writing professors to get funding for the extensive class preparation that we all do—and many of us don’t get paid to do—over the summer. Significantly, law professors are receiving funding for preparation of flipped classrooms. Schools are excited to flip; legal writing professors should capitalize on that excitement.

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6 While this is challenging, it is not impossible, as Professor Mel Weresh has explained. Mel Weresh, Presentation at the Legal Writing Institute’s Innovation and Leadership: LRW and Beyond! One-Day Workshop: Transitioning to Team-Based Learning: A Primer for Pioneers (Dec. 9, 2013).

7 To be clear, many do know how to write and excel at writing things like undergraduate papers (and newspaper articles and poetry and short stories, etc.). But they don’t yet know how to write for a legally trained audience in the highly specialized form expected in the profession.

Finally, leading the dialogue on and implementation of flipped classrooms is an opportunity for legal writing professors to raise the profile of the legal writing profession. The legal academy has historically overlooked or undervalued pedagogy and practical skills training, despite evidence that pedagogy and practical skills training are essential to law student success. The current crisis in legal education has created an opportunity to highlight the practical skills training and commitment to pedagogy that the legal writing profession offers. Positioning our profession as the leaders in the move to more student-centered active learning is not only good for our profession, but also it’s good for our students: Effective leadership from our profession makes it more likely that law schools will shift toward more student-centered, active, and effective pedagogy. Everybody wins.

