

The More the Merrier? Teaching a Large ADR Survey Course

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More and more students want to learn about ADR. In a large law school such as my own, this can mean that 100 or more students seek to register for our basic ADR survey course every semester. Unless the school can find enough faculty or adjuncts to teach several small sections, or use a master-class-plus-satellite-seminars system, large numbers of students will not be able to take the course at all, or at the least will have to wait until their third year which will make it difficult to pursue advanced ADR offerings. Is it possible, however, to offer a “good” ADR survey course – which I define to include significant hands-on roleplaying – to 50 or 100 students at a time? What compromises does this require, and what practical problems will the teacher encounter?

Pros and cons of a large-class format

There is not much doubt in my mind that a class size of 10-24 is ideal for courses that rely on experiential learning techniques (and probably also for those that don't). As noted, however, using a large class format, as in other survey courses, may be the only practical way to meet the student demand with available resources. The obvious advantage of a large class is that it gives more students access to the ADR curriculum. As first-year teachers know, it can also be a “rush” to teach to a large class that becomes deeply involved in the experience. Moreover, I genuinely believe that a large-class format can work, that is, that students in such a course can gain a good understanding of ADR processes.

The disadvantages of the large-class format are probably obvious. The most significant is that it becomes much harder (although not completely impossible) to give students individual critiques, or to evaluate their skill level for purposes of grading. It does seem virtually impossible to acquire enough information to certify that individual students have attained a specific level of competence, for example in mediation skills.

What practical issues arise in teaching a large ADR class? How can they be addressed?

A. Roleplaying

The most important thing to know about roleplaying in a large class is that it works: Roleplays can be effectively administered, students learn valuable lessons from them,

and they deeply enjoy the experience of learning in this format. I consider roleplaying to be the most important component of my ADR survey course, and assign approximately 12 roleplay exercises during a 14-week semester.

Roleplaying is, by far, what my students say they enjoy most about the class (my PowerPoint lectures were the most often cited negative experience!) This fall 83 students (out of a day enrollment of 330 per year) have signed up for the survey course, which meets at 10 am on Mondays and Wednesdays. More than 100 more students are expected to apply for the spring semester survey offering, which meets in the afternoon. But for the attraction of hands-on learning, an elective scheduled on Monday morning would probably not draw more than 30 upper-class students.

Apart from the fact that students greatly enjoy it, what can large-group roleplaying accomplish? My sense, confirmed by surveys, is that roleplaying is an important aspect of students' learning. In the first class I tell students that the primary purpose of the course is to give them a basic understanding of the spectrum of ADR techniques. It is not, I say, intended primarily as a skills course, but most students will find that they learn to negotiate and mediate better by the time they are through. In fact, students can learn a good deal about basic issues – for instance, the difference between positional and interest-based strategies – through roleplay, even without the presence of an expert observer. For example, they can observe themselves and participate in full-class debriefings. I also encourage them also to solicit feedback from their partners, particularly when they finish early. (I don't think they learn as much about representation in mediation, but that is perhaps because the topic itself is poorly understood.)

Running a roleplay for a large number of students is much like doing one at a large professional seminar. One effect of size is that it is more time-consuming to match people up and distribute instructions, but I simply tell students to find a partner with whom they have not negotiated yet and pair off. I invite singles to come to the front of the classroom, where I can quickly match them up. There is also a slightly higher rate of mix-ups (e.g., both participants pick up the same confidential information). A negotiation roleplay that could be set up in 3 minutes for 20 people might require 5-8 minutes for 75 students. I try to remember to allow for this in my teaching plan, but when I forget and must scramble at the end, students are willing to stay a few minutes extra. Mediation roleplays, which I do in groups of either three or six, are proportionately more complex than bilateral negotiations, but not unreasonably so. Again, people are able to form groups relatively quickly.

One problem in allowing people to select their partners is that over the semester they tend to seek out people sitting next to them, especially when forming large roleplay groups. This can lead to people negotiating two or three times with the same person.

Large groups also produce a proportionately higher number of people who are missing at the roleplay session or at match-up time; I deal with these on an ad hoc basis.

Tricks that work to simplify the administration of roleplaying in a small group are even more helpful in large ones. Putting confidential instructions in different colors is very helpful. Writing numbers on the pages of the confidential instructions and calling them out consecutively (“As I call the number raise your hand and look around the room for your partner”) are useful, but time-consuming in a large group and so I generally do not use this method. Pre-assigning partners is another option, for instance by email, but students may have trouble finding each other if they don’t know what their partner looks like. I do not use the Web to administer roleplays, although it is useful to send group emails, find replacement partners, send confidential instructions, etc.

Having an assistant present to help with administrative tasks during a roleplay exercise can be very helpful. It is not essential, however, except in complicated exercises (e.g., where it is necessary to check students’ arithmetic or graph outcomes during class). At various times I have used 1 or 2 student teaching assistants, a secretary to distribute/collect papers, or worked alone. Student assistants can be helpful in a small class to provide every student with personal critique. To provide comprehensive critiquing in a large course, however, would require 10 to 20 student assistants. I have not taken this path, and have engaged no more than two assistants per semester. In a large class, however, this leaves few roles for the assistant, other than to help me administer the roleplays and provide individual critiques to a small number of students who specifically request it. Good assistants can be helpful in this regard, although on the days when the class is not roleplaying, there is not much for them to do.

The biggest drawback of large enrollment is that it makes it virtually impossible for the teacher to personally view each student’s performance and offer personal critique. This is difficult to do even in classes of 20, but it seems physically impossible in a group of 50 or more, absent the ability to schedule and conduct large-scale taping and a commitment by the teacher to spend many hours reviewing tapes. Without this, there are simply not enough roleplays to permit the teacher to observe every student. In a large class, therefore, students learn by self-observation, group debriefing and mutual private critiques.

B. Full-Class Activities

Leading a class discussion in a large ADR class is very much like doing so in a conventional large class. However, debriefings of roleplays are inherently more interesting to students than the usual law school diet, and the subject matter is much

more accessible. As a result, I find that class discussions often have more energy and that it is easier to ask people other than the "usual suspects" to offer views.

Similarly, running fishbowls, showing videos, lectures, short small-group discussions ("Everyone please get into a small group of 3-5 people, take 5 minutes, and think about how to respond to....") and other non-Socratic techniques work well in large groups as in small ones. I have been surprised, in fact, at the willingness of individual students to participate in fishbowl exercises in front of large classes. In an informal survey done last spring, I picked up a significant number negative comments on my PowerPoint lectures, but I don't know if it's due to the subject matter or my technique.

C. Administration

I administer my ADR class much like my other courses. I hand out a syllabus and use a Web-based Blackboard system to post materials, send emails, etc. Because the ADR course consists of upper-class students, they do not often come in to see me. Perhaps because I make clear that regular participation in roleplays counts in grading, students are quite conscientious about notifying me if they are going to miss a roleplay and ask me to find them a roleplay partner. There are proportionately more emails about this than there would be in a small class, but the process itself is no different. I have asked my secretary to take on some of the task of replacing lost instructions, finding replacement partners, and the like.

D. Grading

I have had difficulty deciding how to grade this kind of course. When it was a seminar, I graded based on class participation and the student's final paper. When I shifted to a large-class format, I at first used traditional three-hour essay exams. In recent years, I have tried to take account of the fact that the course places so much emphasis on skill-based exercises by basing one-half of the final grade on a 90 minute, anonymous essay exam, and one-half on the outcomes of the students' negotiation roleplays, my assessment of two 1-2 page papers (e.g., a prep memo for a few points in an upcoming negotiation), and class participation. I grade both the exam and the outcomes of the negotiation roleplays (I don't try to score mediations based on outcome) on a curve. Because most roleplays have integrative aspects, it is usually possible for both players to receive an above-average score. I exclude the first two roleplays that students do, on the ground that they are just getting started. I also give each student a "mulligan" by dropping out their single worst negotiation result when I chart the outcomes.

The registrar averages the non-anonymous grade that I generate for the in-class work with the anonymous exam grade, producing a single letter grade for each student. One effect of averaging is to "homogenize" grades, so that there are fewer very good or very bad results, but this may simply reflect the fact that many students who are weak at writing are good verbal performers and vice versa.

The idea of grading students' performance based on the outcomes of roleplays alone may be controversial. I do this because it is impractical for me to observe 40 or 50 roleplays once or twice a week. Even if I could observe different students each week, I am concerned about grading some on one of their early roleplays and others on their last exercise. Last semester I polled students about whether they would prefer a straight 3-hour written exam with no results-based grading component. A large majority preferred the current method.

E. Examples of materials

I am attaching copies of some questions I've used in past years for the essay examination as [Appendix A](#).

I'd be very happy to talk with anyone about these issues and their own experiences.

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