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CaseMap as a Tool for the Research Log Function: Finally, a Technology that Can Help us Teach Better

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**CASEMAP AS A TOOL FOR THE RESEARCH LOG FUNCTION:
FINALLY, A TECHNOLOGY THAT CAN HELP US TEACH BETTER**

David I. C. Thomson¹

Introduction

So far, the promise of technology has mostly fallen short of our high expectations for it. In the business world, many studies have examined supposed productivity gains, and found them either lacking or uncertain.² In the education world, there has been no shortage of efforts to integrate technology into the classroom.³ Even there, a backlash is beginning to grow.⁴ Most of the technological developments of the last decade have been primarily additive, rather than truly improving something sufficiently to replace the prior approach.⁵ In education, much technology has been thrust upon teachers, and while some of probably makes our work more efficient – such as E-mail – whether it has helped us be better teachers is uncertain. Teachers who still support the use of technology in pedagogy might fairly wonder: Will there ever be a technology that actually facilitates achieving a new pedagogical goal, rather than merely help us to achieve the same old goals more

¹ Assistant Professor of Legal Writing, University of Denver Sturm College of Law. B.A., 1979, Columbia University; J.D., 1982, Vanderbilt University Law School. This article describes the implementation of the CaseMap software in the first-year Lawyering Process Program at the Sturm College of Law over the academic years 2004-2007. That implementation could not have had anywhere near the success it did without the assistance of Katy Micka, who served as the Technology TA to the LP Program during this period. I am also indebted to Associate Dean Robert J. Brown, who served in that role during the first year, and to my colleagues in the Lawyering Process Program, who supported the effort, but also challenged me to make it relevant for their teaching styles. I am also indebted to Jeff Sparhawk, who has taken over as the Technology TA for the LP Program for AY 2007-2008.

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² Erik Brynjolfsson and Shinkyu Yang, *Information Technology and Productivity: A Review of the Literature*, 43 *Advances in Computers* 179 (1996).

³ See generally, 101 *New Directions in Teaching and Learning* 1, 1-94 (2005).

⁴ Katharine S. Mangan, *Business Schools, Fed Up with Internet Use During Classes, Force Students to Log Off*, *Chron. Higher Educ.*, Sept. 7, 2001, at A43.

⁵ This is why – even though we have more technology in our lives – it is often remarked that it only makes our lives more complicated, not less. Cellular phones are an example, since nearly everyone who wants a cell phone has one, but, although land lines are slowly decreasing in number, most of us still also have land lines. See also, Steve Shapin, *What Else is New?*, *The New Yorker*, May 14, 2007, p. 146 (describing the elusive “paperless office”).

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efficiently?

Meanwhile, two forces are converging on law school pedagogy that require our attention. First, there is growing evidence that our students, many of them members of the Millennial generation, are changing.⁶ Their learning styles are different, and their comfort with technology is obvious.⁷ Second, the legal profession we are preparing them to join is increasingly technology and efficiency driven, and is expecting our graduates to be better prepared to enter the profession of their future, not our past.⁸ Both forces should encourage us to use technology in our teaching in ways that leverage their comfort level and learning styles, while keeping an eye focused on preparing them adequately for the practice they will enter.

This article describes the use of a particular software program in the teaching of legal research and writing that I believe – if carefully used and implemented – might finally meet these elusive objectives. It is called CaseMap,⁹ and it is a database program that is designed for lawyers trying to manage a lot of details on a particular case. In the fall of 2004, the Sturm College of Law at the University of Denver was the first law school to implement CaseMap in the first year LRW program. As a professor in that program,¹⁰ and as the “tech lead” for the entire program, it was my job to design and coordinate the implementation of CaseMap into the 1L program. This article describes that experience.

Part I provides a brief introduction to the state of technology in education. Part II describes the traditional “research log” function that has been part of many LRW programs for years. Part III provides some descriptive information about CaseMap and how it operates. Part IV details how CaseMap can help the legal writing teacher in a new way: to assist students with the elusive

⁶ Tracy L. McGaugh, *Generation X in Law School: The Dying of the Light or the Dawn of a New Day?* 9 J. Legal Writing 119 (2003); Diana G. Oblinger, *Understanding the New Students – Boomers, GenXers and Millennials*, EDUCAUSE Review, July/August 2003.

⁷ Cassandra Barnes, Raymond C. Marateo, and S. Pixy Ferris, *Teaching and Learning with the Net Generation*, 3 *Innovate* (2007); Marc Prensky, “Engage Me or Enrage Me” – *What Today’s Learners Demand*, EDUCAUSE Review, September/October 2005, pp 60-64.

⁸ Gene Koo, *New Skills, New Learning: Legal Education & the Promise of Technology*, (2007) http://papers.ssrn.com/sol3/papers.cfm?abstract_id=976646.

⁹ Information about CaseMap, and a free demonstration version, can be found at <http://www.casesoft.com>.

¹⁰ I have taught legal writing for eleven years (spread out over the last 23) - first in two different adjunct programs, and since 2003 as a full-time member of the faculty at the Sturm College of Law.

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“thinking and linking” phase that most agree has to precede good legal writing. Part V describes what steps we took to successfully implement CaseMap in our LRW program. Part VI describes our results using CaseMap, including some of the student outcomes, acceptance by professors, and how students reacted to the program through comments they made in student evaluations. Finally, Part VII offers some Conclusions and Recommendations for programs that may be considering implementing CaseMap in their LRW programs.

I. Technology in education

For over thirty years, teachers at all levels have been asked to integrate technology into their teaching. Over that period, academic institutions of all stripes have made massive investments in technology infrastructure. This investment rate has been “so astonishing...that it is futile to cite growth statistics, which increase dramatically from year to year.”¹¹

Some of that investment, of course, is simply the cost of doing business. It is virtually unthinkable today for an educational institution not to have a full-featured website, or to offer internet access to its students. Alumni offices could not function very effectively without databases and libraries would be seriously hampered without searchable card catalogs and broad availability of online research resources.

But when it comes to the classroom, there is often a disconnect to much of this. Administrators seem to have driven the charge to automate without taking much time to assess the actual pedagogical benefits brought by automation, and without much consultation with the teachers as to how this would affect their classrooms. In many educational settings, teachers have been left to figure out how to use technology in their teaching by themselves. One commentator has suggested that this comes out of a fundamental misunderstanding about technology itself – that “learning how to use...computers productively is simply a matter of understanding, in operational terms, how computers work.”¹² But actually learning how to use technology to support core educational goals is much more complicated than knowing how to turn on your computer and send an E-mail. In spite of this, many schools have done very little to proactively train their teachers how to develop customized, pedagogically sound uses for technology

¹¹ Stuart A. Selber, *Multiliteracies for a Digital Age*, p. 1 (So. Ill. Univ. Press 2004).

¹² Selber, *supra* note 11, at 1.

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that are tailored to their particular classes and their specific educational goals for their students.¹³ What has resulted is mostly disappointment, frustration, and to some extent, backlash.¹⁴

Law Schools are no exception to this trend. They have spent massive amounts on technology infrastructure,¹⁵ believing, in part, that they have to do this just to keep up – with student and market expectations at a minimum.¹⁶ For many law schools, the technology investments have become a point of pride for the marketing and admissions departments, with little or no specifics provided about how it actually might help a student succeed in their studies. Increasingly, law schools are requiring that students bring laptops to school when they first enroll,¹⁷ based mostly on assumptions of how this might actually help them learn. As a result of this state of affairs, law professors find students looking at their laptops in class instead of paying sufficient attention to them, and the backlash is active there as well.¹⁸

One way of describing this phenomenon is found in the term *Convenience Enthusiasm*. We accept technology into our lives when we are enthusiastic about the convenience that it might

¹³ Jeffrey R. Young, *When Good Technology Means Bad Teaching*, Chron. Higher Educ., Nov. 12, 2004, at A31; Colleen Cordes, *As Educators Rush to Embrace Technology, A Coterie of Skeptics Seeks to be Heard*, Chron. Higher Educ., Jan. 16, 1998, at A25.

¹⁴ See generally, Larry Cuban, *Oversold & Underused: Computers in the Classroom* (Harvard Univ. Press, 2001). Jeffrey R. Young, *The Fight for Classroom Attention: Professor vs. Laptop*, Chron. Higher Educ., June 2, 2006, at A27; Michael Bugeja, *Distractions in the Wireless Classroom*, Chron. Higher Educ., Jan. 26, 2007, at C1.

¹⁵ Leigh Jones, *Web Surfing Through Torts, Classroom Laptops Can be Both Useful Tools and High-Tech Distractions*, The National Law Journal, September 12, 2005 ("Law schools across the country have spent millions in recent years outfitting their classrooms to accommodate laptop computers...")

¹⁶ While there is much debate in the legal academy about the US News and World Report annual rankings of law schools, there is great attention paid by all law school administrations as to how that ranking is calculated. Among the components of the ranking is "expenditures per student," which includes expenditures on technology. For a description of the methodology for the US News rankings, see: http://www.usnews.com/usnews/edu/grad/rankings/about/08law_meth_brief.php (Last visited June 8, 2007).

¹⁷ Among the law schools currently requiring laptops are: Florida State University College of Law, George Washington University Law School, Indiana University School of Law-Bloomington, Michigan State University College of Law, University of Denver Sturm College of Law, and the University of Florida Levin College of Law

¹⁸ Brock Read, *A Law Professor Bans Laptops from the Classroom*, Chron. Higher Educ., April 2, 2006, at A43; John Schwartz, *Professors Vie with Web for Class's Attention*, N.Y. Times, Jan. 2, 2003, at A1; David Cole, *Laptops vs. Learning*, The Washington Post, April 7, 2007, p. A13.

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bring. This is why we all have cell phones; they are incredibly convenient, and they help us do things that we value (such as call home from the car). We have accepted computers, the internet, and E-mail into our lives for similar reasons – they make us more efficient in finding information and communicating rapidly with many more people than we could (typically) do before with only a land-line telephone.

But so much technology does only that for us. It makes us more efficient, perhaps, and it gives us capabilities that are convenient and enjoyable. But what else has it brought us? The question that needs to be asked by teachers is: at what point has it actually created a new teaching opportunity, as distinguished from a new way of doing things we did before?

This article describes my evolving attempt to answer that question, with a piece of software in the context of teaching legal research and writing in the law school environment.

II. Description of the Research Log Function

An integral component of nearly all LRW courses is some form of training in legal research, typically both in the book form and the online form.¹⁹ Most programs use some form of research exercise in the library to supplement their teaching of how the physical books operate and interrelate. Most programs also offer training on how to use the major online legal research services, Lexis and Westlaw, either conducted by the teacher, or representatives of those two services, or some combination of both.²⁰

Typically, in the fall semester, most LRW courses are focused around teaching the objective form of legal writing used in legal memoranda. Many LRW teachers (although not all) allow students to conduct their own research – either in the library or online – to support their work on one or more of those memo assignments.²¹ During this phase in the fall semester, most LRW

¹⁹ 2006 Sourcebook on Legal Writing Programs, at 20-27 (ABA 2006).

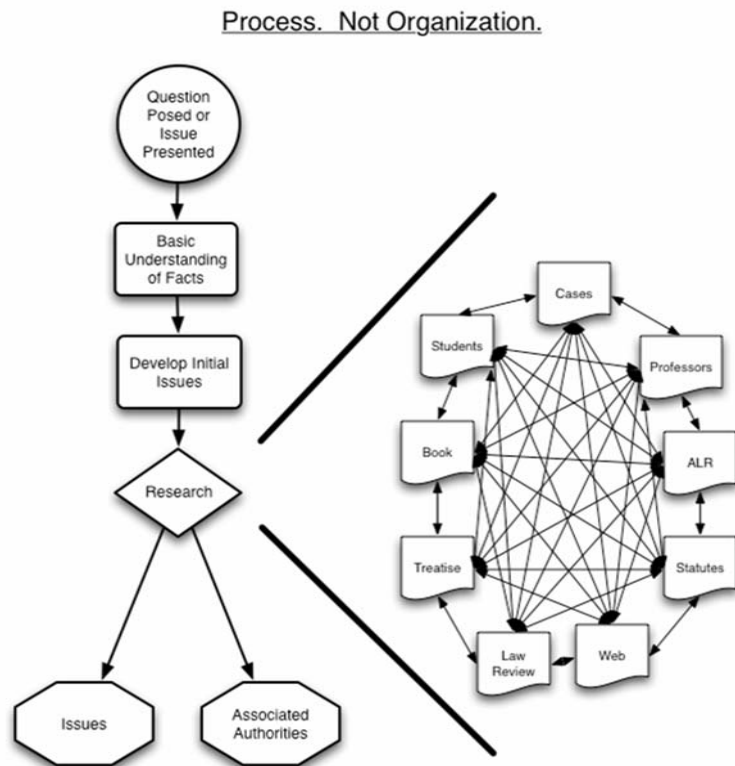
²⁰ 2006 Sourcebook on Legal Writing Programs, at 22-23 (ABA 2006).

²¹ In contrast, there are several programs where it is more common to assign the fall memo in a “closed” context, where the key statute and cases are supplied to the students instead of allowing them to find them on their own. This is usually done in the belief that the teacher wants the student to focus on the writing instead of getting lost in the research process. The countervailing view is that if we are teaching legal research in the fall, we might as well let them exercise those skills as they are learning them, with the understanding that they may need more guidance during this period. Among those programs that assign “closed memos” in the fall, all of them assign open memo research problems in the

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teachers assign students to prepare and submit some form of “Research Log,” denoting what research path they followed, and what they found. This is done primarily for two reasons: 1) so the teacher can assess how well the student learned the basic legal research concepts that were covered in the course, and 2) so the teacher can assess how close the student came to finding the right material. Some teachers issue a specific grade for this assignment, while others might give it a “check” or “check plus” type of marking.

Many teachers would also say that an additional pedagogical purpose of the research log assignment is to teach students the value of keeping track of their research as it progresses. Traditionally, however, the focus of the assignment was to assess the quality of the research process, not how well the student organized the material they found. Here is a diagram that might fairly represent this pedagogical goal, in which the work being assessed by the teacher is in the breakout portion on the right. Figure 1:



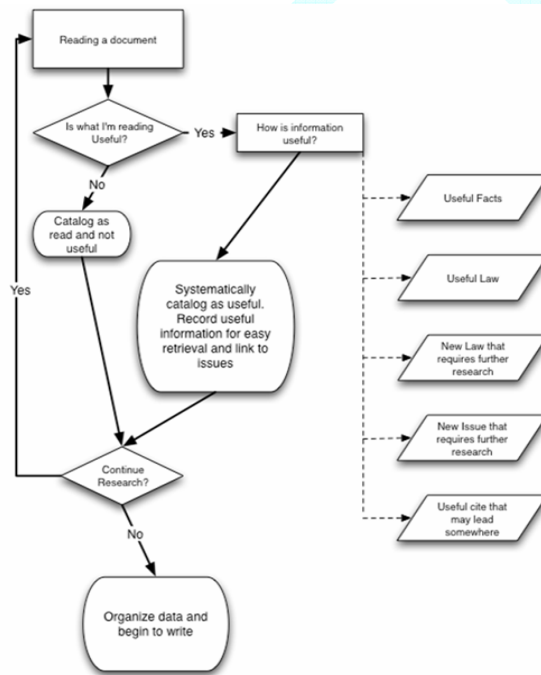
In my own program – prior to the implementation of CaseMap – the research log assignment involved a printed chart

spring semester.

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that students were asked to fill out as they went along in their research.²² Of course, it did not take students long to figure out that there are a number of alternate technologies that could support effective and efficient communication of this information, and often I would receive this assignment – unbidden – in the form of a Word document, or an Excel spreadsheet, or sometimes even a printed version of the online “research trail” from one of the online research services.²³ These different formats made it difficult to compare “apples to apples,” since they typically looked very different and were organized in different ways.

Most importantly, these research logs did little to require the student to describe or depict their actual thought process as they were conducting the research, and as a result, it was difficult or impossible to assess how they were doing in that step. That process might be fairly depicted by this diagram. Figure 2:



It is certainly possible – with available technology – to

²² The four column headings on the Chart were: “Descriptive Words and Key Numbers;” “Citations Found;” “Comments – Was Case Positive, Negative, or Useless?;” and “Research Status – Updated or Shepardized? (Date).”

²³ Both online research services, by default, capture the search terms and databases that the student uses as they conduct their research. This is an electronic file that can be accessed, saved and printed by the student. Of course, a student that was handing in this output for the research log assignment pretty much missed the purpose of the assignment, since a research trail by definition only captures what the student did online, and typically this assignment seeks information about what they did using both research methods.

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have a student keep track of their research process, as well as describe this more evaluative step that should be taking place as they are conducting the research. A simple narrative in Word would suffice – where the student recounts, step by step, what they did. But that is not what the former research log assignment accomplished, at least not very effectively.

It was into this state of affairs that the faculty of the law school where I currently teach voted to enact a laptop requirement for all incoming students in the fall of 2004. As has been typical of many educational institutions,²⁴ it is my understanding that this decision was made without extensive examination of the question of how students would actually use their laptops, or how teachers would integrate them into their educational objectives for their particular courses. Perhaps the thinking was based simply on *Convenience Enthusiasm*: that this would make the students more efficient at managing the fire hose of information that law school presents.²⁵

III. What is CaseMap?

As a preliminary matter, the best way to think about what CaseMap does is to think of it as a series of spreadsheets, with deep linking between them. Next, if you think of a spreadsheet that lists details about the facts of a case, and another that lists the details of documents that relate to the case (and that can link to electronic copies of each document), then you have a good idea of how attorneys might use it in practice. Then, add a spreadsheet with details about the legal research that might pertain to the problem, and then add one more: an outline of key issues in the case. So far, that is four of these “spreadsheets.” The next step is to create links between them that illustrate associations between several cases (or any other legal research you found) and certain legal issues, or between certain facts and the documents from which they came, or the issues that they support, or all of these.²⁶

²⁴ See *supra*, notes 13-18.

²⁵ This is mere speculation on my part, since I was not a member of the faculty at the time this decision was made, and so I was not present or involved in any of the discussions surrounding this decision. At no point do I mean to suggest that this was a poor decision, or that it was poorly made. Rather, I merely suggest that we should have higher hopes for these substantial investments in technology; hopes that might involve it supporting better teaching, rather than simply efficiency and convenience.

²⁶ Every year over the three that we have used CaseMap, we always have at least one student who says: “Why don’t we just use Excel for this? It does spreadsheets and linking.” The primary answer is twofold: first, we could use

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With that introduction to CaseMap, for the purposes of this article there are really only a few more details that are important. First, there are several more spreadsheets that I did not describe. Second, the program is highly customizable, so you can easily change the column headings to redesign the default spreadsheets to organize the information a particular case requires. Third, the spreadsheets have sophisticated sorting capabilities, so it is easy to display only certain data in the spreadsheet, to design a printout on just one issue, or to display only relevant case law (as opposed to statutory law, or secondary sources), for example.

One more detail that is probably important is that it is my understanding that this software is in wide use in law firms and government offices around the country.²⁷ I suppose if this were a technology that no lawyer ever used to organize details of a case it would give me pause to use it for that purpose in class. It would still be useful, but somehow it is good to know that all the United States Attorneys offices have licensed it, and the War Crimes Tribunals at The Hague use it for their cases.

IV. How CaseMap can Help you Teach LRW Better

Traditionally, legal writing teachers assign several writing projects each semester of the course, meet with students to answer questions, and then the students submit their written product. The teacher then comments extensively on the assignment, and returns it to the student.²⁸ Sometimes this is followed with another conference, sometimes it is not. A few teachers will ask for and comment heavily on draft documents, but this is relatively rare.²⁹ As a result of this process, legal writing teachers are like doctors who do most of their diagnosis after the body is already dead.

This has always seemed to me an inefficient process that is

Excel, with some considerable programming expertise that we do not have, which to obtain elsewhere would cost money we do not have. CaseSoft has, each year, offered the program to all of our incoming 1Ls, and all LRW teachers and TAs, for free. Second, this program is in wide use in law firms across the country, and given that it is free to us, it makes sense to use the same program students might use in practice. Of course, CaseMap also does much more than Excel. For example, it is designed to work in a networked environment with several attorneys and paralegals contributing to the same file for each case at the same time, and that requires some network file security and automated “marking” features that would be difficult to replicate in Excel.

²⁷ I encourage you to independently verify this information, but that is what I have been told. LexisNexis obviously found some value in the product because it purchased the entire company in the Summer of 2006.

²⁸ 2006 Sourcebook on Legal Writing Programs, at 41-44.

²⁹ 2006 Sourcebook on Legal Writing Programs, at 45 (and footnote 24).

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not necessarily driven by an ideal pedagogy of teaching writing, but rather dictated by the number of students we have been assigned. But this is an important distinction. I believe that there are typically two kinds of writing problems on the papers that we see in this course: those that have pure writing problems, and those that have writing problems *that were caused by thinking problems*. Unfortunately, it is often hard to separate the two, since they are often intertwined.

It has long occurred to me that if we could help the student during the critical “thinking and linking” process that we know has to precede good legal writing, the student might then produce a memo at the end of the process that only (or primarily) had pure writing problems.³⁰ Put another way, if we could diagnose the problem before the “body was dead” we could help our students produce better final products. But practically speaking, this is impossible (or nearly so), since we can not sit with each student individually while they are making the “thinking and linking” associations while they are doing their research and organizing the information they have into an outline for the memo or brief we have asked them to write.³¹

One legal writing professor has described this conundrum as follows: “Writing is an excursion inward and teaching writing requires nothing less than a trip inside the head of another. Teaching writing requires finding a way into students’ thought processes, because the problems they have in writing about the law are mirror images of the problems they have in thinking about the law.”³² Another legal writing professor has commented that it is not really our job to teach writing per se, but rather it is our primary job to teaching thinking. “Good writing is not about developing a set of discrete, mechanical skills wholly divorced from analytical and organizational abilities. Rather, writing and thinking are so intertwined that only a pedagogical approach that understands the relationship between analytical and writing skills

³⁰ Of course, to some extent, we were able to do this before CaseMap. Occasionally a student will say something in a conference, or will come in to ask a question, and we can tell from their question that their thinking is off somehow. But this is fairly haphazard, and not easy to do. Those that use the same memo problem every year may also be better at doing this. See, Ellie Margolis & Susan L. DeJarnatt, *Moving Beyond Product to Process: Building a Better LRW Program*, 46 Santa Clara L. Rev. 93, 131-134 (2005).

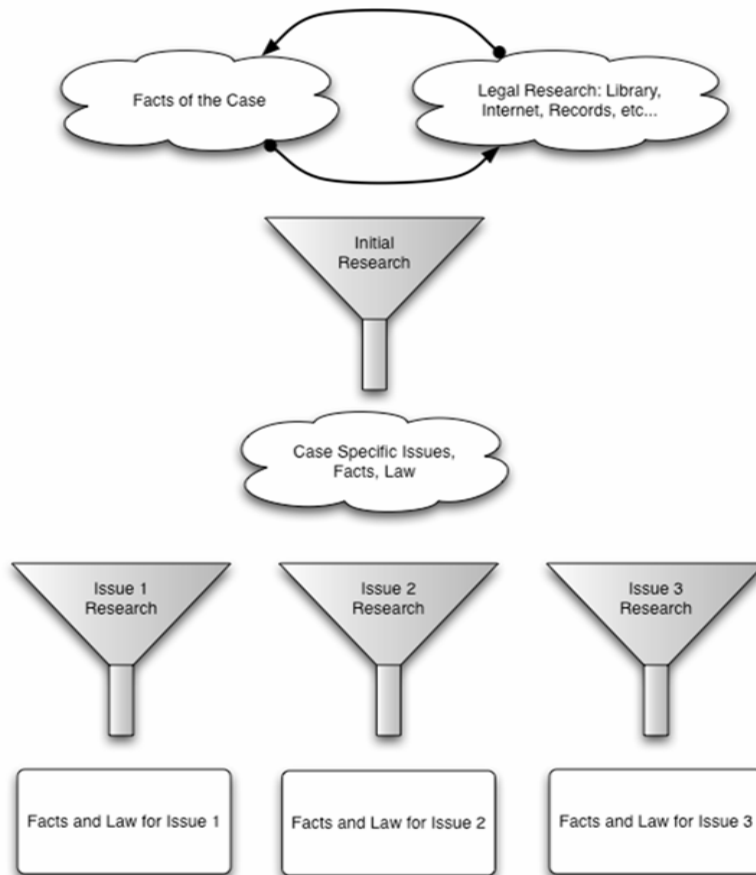
³¹ Instead, we approximate that goal, by discussing the problem in class, or by meeting with students either in scheduled conferences or in office hours.

³² Suzanne Darrow-Kleinhaus, *How I Compete with “the Donald” and Teach them to Write: the Forensic IRAC*, 13 The Law Teacher 14 (2005).

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will have any real success of producing better writers.”³³

CaseMap is the first piece of software I have seen that actually allows me enter into the student’s thought process, to “take a trip into their heads,” and help them learn how to develop the important skill of pre-writing thinking in any systematic way. This is mostly because it can be used by the teacher to require the student to systematically report on the current state of their research, and their thinking, and it can thereby illustrate the critical linking and categorization that must precede good legal writing. While the diagram in Figure 1 above is focused on the quality of the research process, and the diagram in Figure 2 above is an interim filtering step during the research process, this diagram illustrates the categorizing and “funneling” of the research a student may have found into specific issues that need to be addressed in the document they are about to write. Figure 3:



This last step, which usually takes place just prior to the writing,

³³ Jim Levy, *We Teach Thinking, Not Writing*, 17 *The Second Draft* 12 (2003).

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was not sufficiently illustrated by the old research log. CaseMap, on the other hand, can be configured³⁴ to allow the LRW teacher to observe the student's "funneling" process in a systematic way, and to help them with it. In addition, simply emphasizing this step, and creating an assignment around it, also has the added benefit of encouraging the student to focus on the importance of it.³⁵

In my LRW course, I ask my students to complete a specific CaseMap assignment showing this "thinking and linking" process, and it is due on a certain day in the course of the semester. Over the next few days after the due date for this assignment, I meet with the students to go over their CaseMap reports. Because the reports are uniform in purpose and design, I can easily compare them "apples to apples." As a result, I can quickly tell what sources students have found, and even more importantly, what they are doing with what they have found. I can quickly tell what they have missed, and sometimes I will help them fill that "pothole" in their research (which would otherwise often lead to a writing problem in the final product). And most importantly, I can tell if they are going through an appropriate "funneling" process in identifying the important issues, and marshalling the right research materials to describe each issue (in a memo) or advocate on their client's behalf (in a brief).³⁶ If they are struggling with that critical step, I can spend more time in the conference discussing that process with them.

V. Implementation of CaseMap

While it would certainly have been easier for a subset of

³⁴ One of the ways that we configured CaseMap for this pedagogical purpose was to create what we called a "shell file" for them to use as they started their research. CaseMap is a large program with many features, so by creating a dummy file with the columns and data entry points already set up, we "contained" CaseMap to our specific teaching requirements.

³⁵ In a new groundbreaking study, Professor Anne Enquist of Seattle University School of Law has found that the most successful students in the legal writing class are the ones who systematically organize their research materials before writing, including the use of a notebook of printed cases. The most successful student in this study commented that "if he had the project to do over, he would have made a chart summarizing the cases, their holdings, and their application to factors." Anne M. Enquist, *Unlocking the Secrets of Highly Successful Legal Writing Students*, available at: <http://ssrn.com/abstract=969526> (2007)

³⁶ This aspect of the process is evident in their CaseMap reports in two ways: first, in the text they chose to excerpt from the case law they found (there is a field for this entry in the "shell file," and second, in the linking they make between those excerpts and the issues screen (or outline) of the memo they are about to start writing.

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our program's legal writing faculty to have tested CaseMap out on a few sections of the course before rolling it out to the whole first year class, we decided instead to launch the CaseMap effort in the same year as the laptop requirement took effect in the fall of 2004. This offered some substantial implementation complexities.

Since the first assignment was due early in the semester, we decided that every student should take a class introducing them to the software in the first week of school. Since most people usually learn software best when they can do what they see the instructor doing in a class as they are learning it, this meant that every student had to have the software installed on their laptop very early, preferably during orientation. We used two methods to achieve this goal. First, the Network Services department specified a laptop that it would recommend through Dell's website, and they encouraged students to purchase that one prior to coming to school.³⁷ That laptop had an "image" that contained all the software our program recommended, including CaseMap. Second, we developed a CD-ROM of software and information about the LP Program (the "LP CD"), and distributed this to students on the first day of classes. The CD contained a downloadable copy of CaseMap that students who had brought their own laptop could use to install the software on their own. In addition, the Help Desk had copies of the software in case students needed help, and inevitably some students just had the Help Desk install CaseMap for them.

During the first week of classes, the Technology TA and I taught a total of 20 CaseMap training sessions with about 15-20 students in each session. This was just as exhausting as it sounds, and it worked just about as you might expect. After the class, most students had enough familiarity with the program to then go into their LRW class, and understand from the Professor how they would like them to use it. Some were overwhelmed by all they had to learn at the beginning of law school – of which this was a small part – and when the assignment came up a few weeks later, they felt that they did not know it well enough. Between the first and second year of our experience with CaseMap, we developed over a dozen "cheat sheets" on particular components of the program, and these were put on the LP CD as well as placed on the program's website.³⁸ We also developed online tutorials, using Microsoft

³⁷ Students could certainly bring their own laptop, and the Network Services department posted recommended specifications for students who chose to do that. In addition, the Student Financial Aid office also had provisions for students purchasing the laptop as part of their financial aid package.

³⁸ These can be found on the web at: <http://www.law.du.edu/lawproc>. (Last visited, May 29, 2007).

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Producer, which allows one to add voice over narration to PowerPoint presentations. These tutorials contained screen shots, and were kept short since each only focused on one particular component of the program. These voice-over tutorials were also placed on the LP CD that every student was given on the first day of class, so that at any time they could access the additional training materials we prepared on the use of CaseMap in the LRW program.

Prior to the beginning of the school year, all LRW professors received extensive instruction on the program, and during the year, they were provided with suggested assignment “cover sheets,” which contained details about the CaseMap assignments. Professors then made their own adjustments to the assignments as they saw fit. During our regular weekly meetings, these assignments were discussed prior to their being assigned and their due dates.

During the fall semester of the first two years we gave the students two assignments to complete. The first was to fill out the “Facts” and the “Objects” spreadsheets in CaseMap. Students were asked to fill in these sheets with the details of the fall problem that they had been assigned, and to print that out for our review. This assignment was primarily conceived as a way to get them familiar with the program before getting into the more substantive use of it described in Part IV above. We discovered, however, that although this assignment had the benefit of being a good introduction, it seemed to some of the students like “busy work” and so last year we dispensed with that early assignment.

The second, and more substantive, assignment was to fill out the “Authorities and Extracts” spreadsheet and the “Issues” spreadsheet in CaseMap as while they were conducting their research, and as they were preparing to write the memo. We asked them to create an outline in the Issues spreadsheet³⁹ and then link that back to their research and most particularly to the most relevant “extract” portions from the case and statutory law that they had found in their research. The conference with students immediately after the CaseMap assignment was recommended, but not all professors chose to do this.

VI. Student Results

Generally speaking, students accepted CaseMap, and understood its benefit. As a measure of this acceptance, in the first year of the program, only 9 students complained about it in over

³⁹ The Issues spreadsheet in CaseMap is really an outliner program.

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300 student evaluations, and a few mentioned it favorably. Given that LRW is often the course that students most complain about, because it is so difficult, that is not an especially poor rate. In the years following, the number of complaints expressed in the student evaluations remained about the same.

As you might expect, some students took to it quickly, and some even used it for other classes. Most interestingly, over the last few years, several students have indicated that they got jobs in the summers after their first and second years because the law firm they were applying to used it, and were favorably impressed with their ability to use it. Several students received internships at The Hague, when in prior years we had not placed our students in those internships.

VI. Conclusions and Recommendations

In my own experience, I have found students accepted CaseMap, and were able to – for the most part – use it in the way that I requested. Generally, the preparation of the CaseMap assignment supported very effective conferences prior to the students engaging fully in the writing of the assignment. In those conferences, I felt that students were better prepared than they would have been otherwise, and that these usually lead to better final products. When I reviewed their final product, I was also able, generally, to have a better perspective on where they went astray. Most importantly, I saw far fewer “writing problems that were created by thinking problems.” By dispensing with most of those issues through the combination of the CaseMap assignment and the conference, the final products were – in my judgment - better than they would have been otherwise.

After two years of experience with the software, acceptance by my colleagues in the program was less than total. Several have adopted it in their teaching, while most of the others have made it optional for their students. My best understanding of why some of my colleagues have chosen to make CaseMap optional in their classes is that they simply have a different pedagogical goal in that portion of the course. If one's goal is to assess the quality of the research process, then CaseMap is probably not the right tool. Referring to Figure 1 above, if what you want to know is how well your students learned the myriad possible steps involved in the research process, then a written narrative describing those steps is probably better, and more revealing, than a CaseMap printout would be.

But if you want to “get into their heads” while they are in

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the process of “thinking and linking” – the process that happens after most of the research is complete and just prior to writing – then CaseMap is an invaluable tool. It might just – *finally* – be a technology that actually can help you teach better.

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