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An Introduction to the Mission and Methodology of Academic Support

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Academic Support Programs (ASPs) “are an extremely hot issue” in legal education.¹ Earlier this semester, the Law School Admission Council (LSAC) announced that it would fund annual academic support conferences for the next six years, and last fall, the LSAC published an updated handbook on ASPs.² The Association of American Law Schools established a permanent section on academic support in 1998.³ A recent survey of 151 ABA-accredited law schools revealed that 137, or 90.7% of the schools surveyed,⁴ have an academic support program in one form or another. Within the past year, three Virginia law schools—the University of Richmond School of Law, Washington and Lee School of Law and Regent University School of Law—have created or revamped their ASPs.⁵ What’s all the fuss about?

Academic support has a long history in higher education. ASPs grew out of affirmative action policies beginning in the late 1960s. As universities sought to diversify their student bodies, they established ASPs to assist specially-admitted students. Law schools followed suit several years later.⁶ ASPs historically targeted minority students, and although ASPs still aim to ensure the success of diversity⁷ students, most programs now are open to a broader range of students.

There are as many models as examples of law school academic support programs. Goals and formats vary widely, and no two ASPs are identical.⁸ Some programs hope to increase retention. Others seek

to enhance the performance of specially-admitted diversity students. Still others work towards an improved bar passage rate. As for specific program types, ASPs include summer orientation programs, individual tutoring, first-year skills classes, substantive review sessions, faculty-led study groups, upper-level legal reasoning courses, and bar exam preparation. But they say to write what you know, so this article focuses on two fairly common ASP components that are the centerpieces of the University of Richmond School of Law’s ASP, an academic skills class

the idea is to intervene early and assist students in improving their study skills and analytical skills during the first year. “An ounce of prevention . . .”

As part of that early intervention, most ASPs aim to help students become effective *independent* learners. Thus, we teach skills rather than tutor substance. But skills are better learned in context than in a vacuum, so we teach students those skills using examples from their concurrent substantive classes. We demonstrate reading and briefing cases using *Garrett v. Dailey*.¹¹ We teach students how to “flowchart”

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for first-year students and a supplemental bar preparation course.⁹

Despite differences in priorities, many academic support programs, including the one at the University of Richmond, strive to improve students’ academic performance, during law school and on the bar exam. Those two goals complement each other well because of the thoroughly documented correlation between law school performance and first-time bar passage.¹⁰ Thus,

with personal jurisdiction. We discuss exam-taking strategies using last year’s Property exam. Additionally, we encourage students to think critically about their individual learning styles. Thinking critically is what legal education is all about, right? So, shouldn’t students think critically about how they learn? About the effectiveness of their study habits? About their test-taking

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weakness and strengths? Only when students can monitor, assess and modify their study skills are they successful independent learners. Finally, we model and motivate. We show students how to learn efficiently, and we try to inspire students to keep working hard, in spite of disappointing grades. After all, work ethic and persistence are more important to a lawyer's success and happiness than are his or her first-year grades.

In addition to intervening early, the idea also is to intervene again before it's too late (*i.e.* the second semester of the third year).¹² An increasing focus on bar passage rates seems to be the current trend in the academic support field.¹³ Several ASPs are adding a bar exam preparation component to their repertoires. In such supplemental bar preparation programs, we give students a head start reviewing the substantive material—so, for example, students study the twenty-six subjects tested on the Virginia Bar Exam over seven months instead of ten weeks. And we focus on test-taking skills—multiple choice and essay writing. We give students individualized feedback on their writing and suggestions for improvement. Thus, just like the early intervention first-year programs, we “help [our] students to help themselves” in their quest to pass the bar exam.¹⁴

So, why is academic support necessary? Keep in mind several goals that Virginia law schools have, or should have: (1) that the students we admit succeed in law school; (2) that our graduates are admitted to the bar; (3) that our graduates are good lawyers; and (4) that we continue to increase diversity in the practicing bar. Academic support professionals are not so arrogant as to claim that we, single-handedly, achieve these

goals; but we do work within the traditional law school pedagogy to help the effort to reach these goals. That's what all the fuss is about.

¹Paul T. Wangerin, *A Little Assistance Regarding Academic Assistance Programs: An Introduction to Academic Assistance Programs*, 21 J. CONTEMP. L. 169, 169 (1995) (book review). See also Law School Admission Council, *A Practical Guide for Academic Assistance Programs* 20 (Alex M. Johnson, Jr. et al. eds., 2000) (calling academic support “one of the most exciting areas in legal education today”).

²Law School Admission Council, *supra* note 1.

³The AALS awarded permanent status to the section on academic support in April of 1998. The section had provisional status from 1995 until 1998.

⁴Richard Cabrera & Stephanie Zeman, *Law School Academic Support Programs—A Survey of Available Academic Support Programs for the New Century*, 26 Wm. Mitchell L. Rev. 205, 208 (2000). The study authors contacted 175 ABA-accredited law schools, and 151 schools participated. *Id.*

⁵The University of Virginia School of Law, the College William and Mary School of Law and George Mason University School of Law also report having academic support programs. Law School Admission Council, *supra* note 1, § III at 2-5.

⁶See Paula Lustbader, *From Dreams to Reality: The Emerging Role of Law School Academic Support Programs*, 31 U.S.F.L. Rev. 839, 842 (noting that “with the increasing need for law schools to diversify their student body, came a concomitant duty to provide assistance for those students”).

⁷The terms “minority” and “diversity” are not synonymous. Generally law schools admit some non-minority students because of their nontraditional backgrounds (*e.g.* first in family to attend college), and many minority students are admitted without regard to race. See Kristine S. Knaplund & Richard H. Sander, *The Art and Science of Academic Support*, 45 J. LEGAL EDUC. 157, 160 (1995).

⁸Law School Admission Council, *supra* note 1, at 19.

⁹Under the American Bar Association rules, law schools cannot give students

credit towards graduation for bar exam preparation courses.

¹⁰See, *e.g.*, Knaplund & Sander, *supra* note 7, at 201.

¹¹279 P.2d 1091 (Wash. 1955).

¹²I do not mean to suggest that failing the bar exam once is “too late.” Certainly, many lawyers who pass the bar exam on a second or subsequent attempts have successful and productive careers. Nevertheless, repeating the bar exam extracts a high toll, financially and in terms of self-esteem. See, *e.g.*, Richard Cabrera, *Essay: Working to Improve: A Plan of Action for Improving the Bar Exam Pass Rate*, 27 Wm. Mitchell L. Rev. 1169, 1170-71 (2000).

¹³At the 2001 annual AALS meeting, the Section on Academic Support program was entitled “Developing Strategies and Programs for Maximum Bar Performance: The Ultimate Team Challenge.”

¹⁴Ruta K. Stropus, *Mend It, Bend It, and Extend It: The Fate of Traditional Law School Methodology in the 21st Century*, 27 Loy. U. Chi. L.J. 449, 486 (1996) (“The primary mission of ASPs is to help students to help themselves.”) ♦

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changing society, in which the rule of law will be preserved, and the rights and liberties guaranteed by the United States and Virginia Constitutions will continue to be protected.

Attaining the mission is critical to the future of our courts and our system of justice. Our judicial system must continue to be impartial in its judgments, casting aside political affiliations or political influence to insure that the rule of law is followed. There is no question that we, the guardians of our legal system, can meet the changes if our courts are staffed by competent judges, able lawyers, and effective court personnel who, together, can insure that the goals and missions of the plan will be fulfilled. ♦