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### What Inclusive Instructors Do Book Review

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WHAT INCLUSIVE INSTRUCTORS DO, TRACIE MARCELLA  
ADDY, DEREK DUBE, KHADIJAH A. MITCHELL, AND  
MALLORY E. SORELLE (STYLUS PUBLISHING 2021), 222  
PAGES

Reviewed by Jamie R. Abrams\*

Inclusive teaching is not just an aspirational goal. It is our ethical obligation to students. Our students can spend years dreaming of attending law school and working to achieve that goal. They can spend decades paying off the costs of attendance. Law faculty owe every student of all backgrounds, races, religions, genders, learning abilities, ages, socioeconomic statuses, immigration statuses, and military statuses an environment in which they feel like they belong and can thrive. *WHAT INCLUSIVE INSTRUCTORS DO* powerfully reminds us that inclusive teaching is not identified by obscurity law's "I know it when I see it" murkiness. Rather, it is something that can be learned, cultivated, and measured. *WHAT INCLUSIVE INSTRUCTORS DO* offers faculty the content, structure, and vision to develop more inclusive classrooms. This review previews the book's takeaways to both LRW courses and to all law teaching.

*WHAT INCLUSIVE INSTRUCTORS DO* is based on the experiences of hundreds of instructors across numerous institutions, fields, and ranks describing both *what* inclusive teaching is and *how* to achieve it. In defining *what* inclusive teaching is, the book presents two simple themes. Inclusive teaching is equitable, giving all students an opportunity to achieve their potential. Further, inclusive teaching is welcoming, leaving all students feeling a sense of belonging.<sup>1</sup> The concepts of equity and belonging are interrelated. The Foreword summarizes succinctly the hallmarks of inclusive instructors laid out in the book: "They *take responsibility* for making their teaching and their curriculum inclusive. They continue to *learn* about both their students and teaching. They *care* about and for each and every

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<sup>1</sup> TRACIE MARCELLA ADDY, DEREK DUBE, KHADIJAH A. MITCHELL & MALLORY E. SORELLE, *WHAT INCLUSIVE INSTRUCTORS DO* 4 (2021).

student they teach. They *change* their teaching based on evidence about the practices that support and challenge all students to thrive.”<sup>2</sup>

WHAT INCLUSIVE INSTRUCTORS DO wisely addresses early-on and head-on the obstacles and barriers to inclusive teaching. These obstacles are likely familiar to readers having heard them at faculty meetings, in hallways, or expressed them directly. Faculty report that they are not aware of how student differences might impact student learning, do not know how to implement inclusive teaching techniques, are afraid of negative backlash, do not want to change teaching techniques, or do not feel responsible for managing inclusive teaching.<sup>3</sup> My sense is that law teaching is most plagued by a lack of accountability for creating inclusive classrooms and a deep reverence to preserving the status quo by simply recreating how we were taught.

WHAT INCLUSIVE INSTRUCTORS DO probes the mindset of teachers entering a classroom in ways rarely discussed in law teaching. It urges faculty to embrace the positive attributes of diverse learners and acknowledge the collective effort it takes to achieve inclusive learning environments. A sense of accountability is key. We are *leading* a classroom as a professor one way or another and creating a culture. The question is whether it is an inclusive culture or a marginalizing one.

This reminds me of the extreme example of Professor Kingsfield entering the classroom in *THE PAPER CHASE* seeking fear, holding power, and designing the classroom around his knowledge with an explicit statement that all the students have arrived with a “skull full of mush.”<sup>4</sup> There is great intentionality in his classroom environment too. It is clear how he views his students and what he wants them to experience in his course. In stark contrast, WHAT INCLUSIVE INSTRUCTORS DO urges a shift to emphasize the importance of designing classrooms around learners, instead of around teachers. It urges faculty to promote a sense of belonging and to empower all students to succeed.

After explaining *what* inclusive teaching is, the book considers *how* to achieve this. It provides useful ideas worth our collective and individual exploration on syllabus design, class welcoming activities,

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<sup>2</sup> Buffie Longmire-Avital & Peter Felter, *Foreword to* TRACIE MARCELLA ADDY, DEREK DUBE, KHADIJAH A. MITCHELL & MALLORY E. SORELLE, *WHAT INCLUSIVE INSTRUCTORS DO*, at x (2021).

<sup>3</sup> ADDY ET AL., *supra* note 1, at 7.

<sup>4</sup> *THE PAPER CHASE* (Twentieth Century Fox 1978).

assignments, feedback, and exam drafting. The book encourages faculty to learn about who our students are in any class or institution and to understand their unique needs. What are the challenges of first-generation students, adult learners, students of color, religious minorities, LGBTQ+ students, international students, and those with learning accommodations? What are their unique assets and what unique challenges do your students face uniquely at your institution? The book guides faculty through designing a course from syllabus through to assessment that includes these communities. It advises faculty to deploy diverse teaching techniques drawing on multiple modalities and engaging students actively. But even with the best planning, obstacles will emerge. The book asks faculty to assess the learning environment along the way by seeking feedback and incorporating it.

This book is a pragmatic and useful call to action for all law faculty and institutions. While its audience is broader than the legal academy, its lessons strike me as uniquely urgent in law schools. Many student communities do *not* feel like they belong in law school. Issues of inclusion are systemic and persistent in law schools. The Clinical Legal Education Association (CLEA) published an April 2021 Statement summarizing concerns and calling for action.<sup>5</sup> CLEA's statement captured how publicized incidents of racism reveal that institutions are failing students and inadequately combatting racism.<sup>6</sup> Climate concerns fester, the statement emphasizes, as "students from marginalized backgrounds have long been considered less qualified and competent than their peers by some faculty."<sup>7</sup> These hostilities and inequalities impede student success.<sup>8</sup> One T-14 student wrote that they would "not wish my law school experience on my worst enemy."<sup>9</sup> Students of color generally have explained compellingly how they "feel alienated, tokenized, overburdened and undervalued in part because the classroom teaching methods do not allow for [meaningful

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<sup>5</sup> Davida Finger, *CLEA Statement on Anti-Racist Legal Education*, BEST PRACTICES IN LEGAL EDUCATION (Apr. 22, 2021), <https://bestpracticeslegaled.com/2021/04/22/clea-statement-on-anti-racist-legal-education/> [<https://perma.cc/C729-FL7S>].

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

<sup>9</sup> Taifha N. Baker, Note, *How Law Schools Can Resuscitate an Inclusive Climate for Minority and Low-Income Law Students*, 9 GEO. J. L. & MOD. CRITICAL RACE PERSPS. 123, 139 (2017).

engagement].”<sup>10</sup> Students of color indeed report consistent disparities in their law school satisfaction, with Black women the least likely to describe their law school experiences as either “good” or “excellent.”<sup>11</sup> Other communities also express struggles, including women students, LGBTQ+ students, non-traditional students, student parents, and indigenous students.

Inclusive institutions and classrooms cannot be achieved by diversity professionals alone, by hired speakers, or by rich elective courses. Rather, inclusive classrooms are contextually situated in an environment within a larger institution. Those larger environments have their own hierarchies, biases, and entrenched power structures that need to be contested.<sup>12</sup>

The next sections explore specific application of the book’s lessons to legal writing classrooms and law teaching generally.

### **I. Lessons for LRW Courses**

In thinking about WHAT INCLUSIVE INSTRUCTORS DO’S lessons for LRW classrooms, I offer one message of empowerment, one concrete takeaway, and one provocative idea.

*LRW Faculty Leadership:* To many LRW faculty, this may feel like a “preaching to the choir” kind of book. LRW faculty have been teaching with many different modalities, engaging the whole class, and supporting diverse learners for some time. In that sense, this book is a vehicle to empower LRW faculty to lead within their institutions by sharing and showing proven techniques. LRW faculty are uniquely experienced at creating inclusive classrooms and are well-positioned to lead and mentor their faculties. This book offers a springboard to leading learning circles, hosting faculty workshops, and developing best practices institutionally. It would be great to see the LRW community dig into this book with a conference or book volume compiling applications of inclusive teaching methodologies and techniques in law schools.

*LRW Syllabi:* The book gave me pause for deeper reflection in thinking about how legal writing syllabi relate to inclusive classrooms.

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<sup>10</sup> *Id.*

<sup>11</sup> Meera Deo, *Director’s Message, in The Changing Landscape of Legal Education: A 15-Year LSSSE Retrospective* 5, 5 (LSSSE 2020).

<sup>12</sup> *See generally* YOLANDA FLORES NIEMANN, GABRIELLA GUTIÉRREZ Y MUHS & CARMEN G. GONZÁLEZ, *PRESUMED INCOMPETENT II: RACE, CLASS, POWER, AND RESISTANCE OF WOMEN IN ACADEMIA* (2020).

The book describes how important the syllabus is to create a welcoming and inviting community of learners. I often, however, use my LRW syllabi to establish professionalism expectations on deadline management, proofreading, plagiarism, etc. I often have many more policies and rules in my LRW syllabus than my doctrinal classes. One concrete takeaway for me is the need to break my class guidances and professionalism expectations out of my syllabus into a separate document. Rather, I would like to use my syllabus more intentionally to introduce students to the field of legal writing and all its possibilities for their career successes.

*Re-envisioning Assignment Design:* Finally, I found myself noodling over an idea to transform my LRW course. WHAT INCLUSIVE INSTRUCTORS DO emphasizes designing assignments that allow students to draw upon their lived experiences, such as community-based assignments or options to choose from multiple possible assignments. That got me thinking about the amount of time I spend writing memo fact patterns, tweaking every little fact, and boxing the assignment in so perfectly. What if, instead, we allowed students to write their own facts for the assignment, thus allowing them to ground the same research and analysis in a context that interests them and is relatable to them? For example, in an assignment involving a covenant not to compete, the student could identify the industry, the employee's story, and the new job while staying constrained in the jurisdiction you have selected and using the draft contract language you have provided. This approach might help students understand the assignment better, engage students more, and enrich peer reviews and group assessments as they consider the variety of fact patterns. This might even deepen the students' mastery of rule-based reasoning as they see how different industries and clients might tweak the arguments and analogical reasoning.

## II. Lessons for All Law Teaching

WHAT INCLUSIVE INSTRUCTORS DO also provides many broader applications to law teaching. This review highlights one takeaway more in-depth and then flags two smaller considerations for further discussion.

*Approaches to equity and inclusion.* The book's message is unequivocal that "inclusive teaching is the collective responsibility of all members of the institutions who contribute to the institutional

mission around teaching and learning.”<sup>13</sup> This is an important area of reflection for law schools. Many existing approaches to equity and inclusion seek to achieve bold goals with incremental approaches and siloed accountability. Law schools tend to segment diversity and inclusion with student services, admissions, and dedicated staff, leaving the full faculty generally immunized from accountability for building an equitable and inclusive institution. This segmentation is misaligned with the student experience and ignores the longstanding calls for systemic reform to the architectural core of legal education.<sup>14</sup>

Current ABA Standards ensure that law schools are providing full educational opportunities for all students. In practice, though, the emphasis is squarely on getting students in the door and funded for an *opportunity*. Compliance efforts are largely led by staff at entry points (e.g., admissions and orientation), not systemically in core classrooms. Typical diversity efforts are met by mentoring, programming, recruitment, scholarship, and pipeline programs.<sup>15</sup> Accountability to achieve diversity, equity, and inclusion, though, must likewise include the spaces where students spend the bulk of their time and energy . . . the traditional classroom. The standards do not compel equity in achieving learning outcomes and meeting the needs of all learners.

In 2021, the ABA proposed revisions to its accreditation standards adding a curricular requirement that law schools provide to students “training and education on bias, cross-cultural competency, and racism.”<sup>16</sup> This programming would likely occur in orientation and

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<sup>13</sup> ADDY ET AL., *supra* note 1, at 156-57.

<sup>14</sup> Critically, the prior section’s segmented focus on the book’s application to LRW classrooms is driven by LRW faculty being the dominant audience of *this* publication. Similar reviews might consider this book’s applications to clinics, bar courses, and other customized lenses applying the book’s larger principles more concretely. This book and this review are unequivocal “all in” calls to action across all institutions and subject areas to do the work of building inclusive classrooms.

<sup>15</sup> Memorandum from ABA Standards Comm., to ABA Council, Proposed Changes to Standards 205 and 206, 303 and 508, and 507 5-6 (May 7, 2021), [https://www.americanbar.org/content/dam/aba/administrative/legal\\_education\\_and\\_admissions\\_to\\_the\\_bar/council\\_reports\\_and\\_resolutions/may21/21-may-standards-committee-memo-proposed-changes-with-appendix.pdf](https://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/council_reports_and_resolutions/may21/21-may-standards-committee-memo-proposed-changes-with-appendix.pdf) [<https://perma.cc/MZK4-DJA>] (noting that these can include assistance in academic and financial need).

<sup>16</sup> *Id.* at 7.

then once again before graduation.<sup>17</sup> Addressing *what* schools teach is a positive step because it offers standardization across institutions and throughout the student body. This proposal still leaves unaddressed the *who*, *how*, and *where* of inclusion though. It still positions accountability for diversity, equity, and inclusion with select staff outside the periphery of the curriculum. It does not require that any faculty member revisit their teaching techniques, their content, or their assessment metrics. Diversity, equity, and inclusion imperatives need to bridge from the *administration* of law school to the *delivery* of legal education, as this book reinforces.

*Fair assessment techniques.* Most doctrinal courses are assessed using issue-spotting exams that are heavily weighted with minimal opportunities for formative assessment. These techniques are efficient and siloed, which benefit faculty, but do they undermine the goal of achieving an inclusive classroom? Perhaps “class participation” is another murky, amorphous grade category. If we rely on volunteers who perform with confidence and projection, might that alter others’ sense of belonging? This book taught me to do more to help students understand *what* we want them to do when we assess, *how* they might approach it successfully, and – perhaps most importantly – *why* we want them to do it. When I explain to students why they are writing an office memo in an LRW course, that explanation has strong rigors grounded in law practice and professionalism. I problematically stumble though in explaining why my exam is the way it is . . . and therein lies the problem. There is considerable room for scholarly development supporting the efficacy and equity of our dominant assessment techniques in legal education. There is room for pedagogical innovations in assessment and the development of stronger shared best practices.

*Course evaluations.* This book offers a powerful roadmap for more productive course evaluations. Rather than measuring whether students found the casebook effective or the professor knowledgeable, professors and administrators analyzing course evaluations would benefit far more from knowing if students felt like they belonged in the classroom and that the professor cared about their growth. This book is a prompt for developing such model questions.

*Restorative Practices.* Even with the best of intentions for an inclusive learning environment, challenges will arise. Intervening and addressing issues is an area in which many faculty would welcome

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<sup>17</sup> *Id.* at 8 (noting that students in law clinics or field placements should complete the second training before or with the clinic or field placement).



training and support. The book intriguingly suggests the use of restorative justice pedagogies to rebuild relationships as harms occur.<sup>18</sup> This struck me as quite a novel approach in legal education and worthy of more thoughtful reflection.

### **III. Conclusion**

This book is a powerful call to action and an invitation for dialogue in our respective fields and institutions, and in the academe generally. All readers will enter this book from different places, some exploring concepts for the first time, others refining existing practices, and others looking to lead institutions and programs innovatively. Inclusive faculty, first and foremost, embrace a growth mindset for their own teaching. This is a huge takeaway for all readers. We all grow entrenched in our law teaching skills and techniques. I left the book energized with new ideas for my classes, empowered with a stronger vision for my institution, and tasked with a bold agenda of further reading and study. I also left the book rejuvenated with the powerful reminder that inclusive teaching is also *rewarding* teaching. I hope this book spurs further conferences, workshops, trainings, and learning circles to apply its principles to law school classrooms.

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<sup>18</sup> ADDY ET AL., *supra* note 1, at 98-101.