

CENTERING STUDENT VOICES IN THE CLINIC SEMINAR

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Clinic seminars at their best are interactive and generative. Students aren't just receiving information; they're contributing their own ideas and building on each other's questions and contributions. But that's not an easy ideal to reach. Too often, faculty end up at the center of the conversation, talking between each student, whether or not we want or intend to play that role.

In this Article, I offer concrete strategies for moving away from the default pattern of classroom discourse, what education researchers call "Initiate-Respond-Evaluate" (IRE), and toward dialogic discourse, a form of conversation that centers student voices and encourages critical thinking and independent thought. I argue that dialogic discourse is particularly well suited to the pedagogical goals of clinics and to clinicians' dual roles as teachers and collaborators. Through the lens of adult learning theory and my own experience implementing new strategies in my classroom, I demonstrate how identifying and changing patterns of classroom discourse can bring new energy to the clinic seminar and deepen student learning and engagement.

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INTRODUCTION

Picture a seminar classroom. The professor is probably at the head of the table. She launches the discussion. Students direct their comments to her, making eye contact as a show of respect or simply by default. She asks a question; a student responds, and then everyone waits for the professor to react. The discussion may be rich and engaging; the students may be animated and eager to participate. But the professor wields the power, whether or not she wants or means to.

Most of us have been there. As much as we want students to take ownership of the conversation, the ball always seems to end up back in our court. There's a name for this pattern: IRE, or Initiate, Respond, Evaluate. The teacher *initiates* the conversation with a question or other invitation to participate, a student *responds*, and then the teacher reacts by *evaluating* the student's comment.¹

IRE is the most common conversation pattern in the classroom, and it can be a useful one—but it is limiting, especially when we default to it without considering other options. When the conversation flows through the instructor, we center ourselves as the arbiter of knowledge, and students lose the chance to engage authentically with each other's ideas and take joint responsibility for a rich and equitable discussion.

I used to default to IRE in my teaching, without even realizing I was doing it. Then I invited a pedagogy specialist, Melissa Scheve, to observe my class in the Fall of 2023. I had a sense that I talked too much in class, but I would never have imagined that I spoke between each student.² Debriefing the class afterward, Melissa pointed out that conversation flowed almost exclusively through me. The students were engaged, curious, and prepared, and in the moment, the class felt lively. But something important was missing: students engaging directly with each other.

I started to wonder what it would look like to have students take more ownership of the conversation. What if I didn't jump in between each student, or even nod with encouragement? What if I spoke when I had something I really wanted to say, or when I sensed that the conversation needed more of me in it, rather than allowing the conversation to flow through me at each turn?

¹ COURTNEY B. CAZDEN, CLASSROOM DISCOURSE: THE LANGUAGE OF TEACHING AND LEARNING 5 (2d ed. 2001) (referring to IRE as “the traditional three-part pattern of classroom lessons”).

² For confidentiality reasons, I couldn't ask Melissa, who at the time worked at the Poorvu Center for Teaching and Learning at Yale, to observe my clinic seminar, so she came to the 1L legal writing course I taught in the Fall of 2023. My hope, and this bore out, was that I could apply what I learned from this observation in my clinic seminar as well. This Article describes how I did so.

This Article chronicles my efforts to adjust my pedagogy to answer these questions. It builds on the existing theory and practice of clinical legal education and the field's history of going against the grain. Clinics from their inception have disrupted traditional law school pedagogy.³ Since then, scholars of clinical pedagogy have written extensively about different models of clinical supervision, including non-directive supervision, as well as strategies for lesson planning and seminar design.⁴ Drawing on critical lawyering theory, which emphasizes collaborative rather than strictly hierarchical relationships, clinicians have challenged traditional norms in the field of law and within legal academia through their casework and approach to classroom teaching.⁵ Clinical scholarship also has a track record of looking widely and thoughtfully at other fields for inspiration.⁶ But the clinical literature has not yet examined default patterns of discourse between faculty and students in classroom settings

³ See generally Stephen Wizner & Dennis Curtis, *Here's What We Do: Some Notes about Clinical Legal Education*, 29 CLEV. ST. L. REV. 673 (1980) (describing the origins of clinical legal education at Yale); Susan Bryant, Elliot S. Milstein & Ann C. Shalleck, *Preface*, in TRANSFORMING THE EDUCATION OF LAWYERS: THE THEORY AND PRACTICE OF CLINICAL PEDAGOGY xv, xv (Susan Bryant, Elliot S. Milstein & Ann C. Shalleck eds., 2014) ("Clinical Legal Education started in response to the failure of traditional legal education to prepare students to engage in the craft of being a lawyer. . . . From its beginning, clinical education has been a reform movement . . .").

⁴ See, e.g., Michele Estrin Gilman, *Ten Empowering Strategies for Nondirective Clinical Supervision*, 31 CLIN. L. REV. 211 (2024); DEBORAH EPSTEIN, JANE H. AIKEN & WALLACE J. MLYNIEC, *THE CLINIC SEMINAR* (2014); Wallace J. Mlyniec, *Where to Begin? Training New Teachers in the Art of Clinical Pedagogy*, 18 CLIN. L. REV. 505 (2012); Carolyn Grose, *Flies on the Wall or in the Ointment? Some Thoughts on the Role of Clinical Supervisors at Initial Client Interviews*, 14 CLIN. L. REV. 415 (2008); Beryl Blaustone, *Teaching Law Students to Self-Critique and to Develop Critical Clinical Self-Awareness in Performance*, 13 CLIN. L. REV. 143 (2006); Ann Shalleck, *Clinical Contexts: Theory and Practice in Law and Supervision*, 21 N.Y.U. REV. L. & SOC. CHANGE 109 (1993); Peter Toll Hoffman, *The Stages of the Clinical Supervisory Relationship*, 4 ANTIOCH L.J. 301 (1986).

⁵ Norrinda Brown, for example, described in a conference panel her decision to invite clients to teach a class to students. Norrinda Brown, Assoc. Dean for Experiential Educ. and Dir. of Clinical Programs, Fordham Univ. Sch. of L., Talk at the 2025 AALS Clinical Conference: Decolonizing the Clinical Seminar (Apr. 27, 2025). By turning the client into the teacher, she showed that expertise doesn't come solely from the teacher.

⁶ For example, clinicians have looked to fields as varied as medical education, therapeutic jurisprudence, multi-party negotiations, and clergy education to enrich clinical pedagogy. See, e.g., Susan Bryant & Elliott S. Milstein, *Rounds: A "Signature Pedagogy" for Clinical Education?*, 14 CLIN. L. REV. 195, 199 n.11 (2007) (noting that "[c]linical legal education borrowed the idea of rounds from medical education"); Evelyn Cruz, *Through the Clinical Lens: A Pragmatic Look at Infusing Therapeutic Jurisprudence into Clinical Pedagogy*, 30 T. JEFFERSON L. REV. 463, 463 (2008) (observing that "several clinicians have written about infusing Therapeutic Jurisprudence into their courses"); Jayashri Srikantiah & Janet Martinez, *Applying Negotiations Pedagogy to Clinical Teaching: Tools for Institutional Client Representation in Law School Clinics*, 21 CLIN. L. REV. 283, 285 (2014) (arguing that "negotiations pedagogy about multi-party negotiations provides useful tools for clinicians teaching students how to work with institutional clients"); Daisy Hurst Floyd, Timothy W. Floyd & Sarah Gerwig-Moore, *Learning from Clergy Education: Externships Through the Lens of Formation*, 19 CLIN. L. REV. 83, 84 (2012) (suggesting that "legal externship teachers

or considered how departing from those norms can deepen student learning.

This Article fills that gap by considering the clinician's role in the seminar classroom, from the perspective of how students engage with each other. I chart out my journey in changing my pedagogy, grounding my experiences in research from the field of education on common patterns of discourse and how adults learn. Based on my experience, I argue that one essential way we can support our goals as clinicians and lawyers is to facilitate our classes in a way that encourages dialogic discourse, a form of conversation that “connotes social relationships of equal status, intellectual openness, and possibilities for critique and creative thought.”⁷

I come at this from the premise that small changes can have significant effects, and that part of the joy of teaching is the opportunity to play, to practice, to try things out, to iterate, to tweak and tweak again. Every student, cohort, and client is different, and there is no one “right” way to run a seminar. The more tools we can draw on, the better.

This is, of course, true in doctrinal settings as well. All seminar classrooms would likely benefit from limiting our unconscious use of IRE and employing a broader range of conversation patterns and strategies. I focus here on the clinic seminar because it's the area where I have the most experience. Moreover, dialogic discourse is particularly well suited to the pedagogical goals of clinics. We are teaching tangible skills—how to identify a statutory hook, track down a regulation, interpret a case—and also intangible but equally essential aspects of professional identity, like judgment, empathy, resilience, and imagination.⁸ Working on live matters together with our students means we often confront questions or roadblocks for which we don't have an immediate answer. There's something both equalizing and energizing about figuring things out

may learn from clergy education in making formation of personal and professional identity a central goal of the law school externship course”).

⁷ Catherine O'Connor & Sarah Michaels, *When Is Dialogue 'Dialogic'?*, 50 *HUM. DEV.* 275, 277 (2007).

⁸ See Susan Bryant, *The Five Habits: Building Cross-Cultural Competence in Lawyers*, 8 *CLIN. L. REV.* 33, 35 (2001) (identifying “ideas that clinical teachers can use in teaching about issues of difference, identity, bias, and stereotyping”); Susan Bryant & Jean Koh Peters, *Reflecting on the Habits: Teaching About Identity, Culture, Language, and Difference*, in *TRANSFORMING THE EDUCATION OF LAWYERS*, *supra* note 3, at 349, 364 (identifying teaching tools “for the practitioner and the clinical law student to observe their thought processes in practice and surface assumptions, particularly about race, gender, sexuality, and other forms of difference that affect their day-to-day lawyering”); Katherine Kruse, *Fortress in the Sand: The Plural Values of Client-Centered Representation*, 12 *CLIN. L. REV.* 369 (2006); Jodi S. Balsam, Susan L. Brooks & Margaret Reuter, *Assessing Law Students as Reflective Practitioners*, 62 *N.Y.L. SCH. L. REV.* 49, 50 (2017) (suggesting that a key goal of clinical legal education is for “students to become reflective practitioners”).

together, and we can lean into that dynamic in the seminar classroom as well.

Learning about patterns of classroom discourse and adult learning theory from Melissa and the scholarship she shared gave me new language to describe the dynamics at play in my classroom and more tools to shape and reshape them.⁹ I came to think of the non-IRE approach as facilitating dialogic discussion: an approach to managing the flow of conversation that centers students' voices so that the professor is no longer the sole authority in the room.

My Article proceeds as follows: In Part I, I describe how, previously, I used the IRE model of teaching by default, and I show what this looked like in practice. I turn to research on that model, explaining its strengths and, crucially, its limitations. I then detail my wakeup call, which came in the form of Melissa's visit to my legal writing class. In Part II, I describe my decision to adopt a different approach. I explain how this fits in with the goals of clinical teaching, as I see them, and with clinical legal education's long tradition of embracing different styles of pedagogy and insights from peripheral fields. In Part III, I explain the steps I took to adjust my pedagogy, highlighting challenges I faced and continue to face. I close by offering concrete strategies that other clinicians can consider incorporating in their teaching. Throughout, I ground my narrative in research from the field of education, explaining why the research suggests that decentering the professor and centering student voices will enhance our students' experiences—and our own.

I. SPOTTING A PATTERN

I have been a clinical teacher for six years. I direct the San Francisco Affirmative Litigation Project (SFALP), a partnership with the San Francisco City Attorney's Office. Former Yale Law School

⁹ This area of education research is also often referred to as the “science of teaching and learning.” This field uses insights from fields such as neuroscience and cognitive psychology about how people receive and store information to inform practical teaching strategies in the classroom. See Sch. of Nat. & Soc. Scis., *The Science of Teaching and Learning: A Human Endeavor*, LEHMAN COLLEGE, <https://www.lehman.edu/academics/natural-social-sciences/science-of-teaching-learning> [<https://perma.cc/M96J-NSJL>] (last visited Jan. 5, 2026) (defining the science of teaching and learning); Nat'l Acads. of Scis., Eng'g & Med., *How People Learn II: Learners, Contexts, and Cultures* (2018) (describing research on “the constellation of influences that affect individual learning” for both children and adults). A related field called the “science of learning and development” takes a similar approach with a focus on the science behind human development. See, e.g., LINDA DARLING-HAMMOND, LISA FLOOK, ABBY SCHACHNER, STEVE WOJCKIEWICZ, PAMELA CANTOR & DAVID OSHER, LEARNING POL'Y INST., EDUCATOR LEARNING TO ENACT THE SCIENCE OF LEARNING AND DEVELOPMENT (2022), https://learningpolicyinstitute.org/media/551/download?inline&file=Educator_Learning_for_SoLD_REPORT.pdf [<https://perma.cc/JVF3-F8NY>] (identifying systems based in this approach).

Dean Heather Gerken founded the clinic twenty years ago, along with Kathleen Morris, who at the time was starting up San Francisco's first affirmative litigation taskforce. It was an unusual partnership that stuck, growing from a small reading group to a clinic serving eighteen to twenty-five students per semester.

I was a student in the clinic from 2016 to 2018, and I came back to help run the clinic as the clinical fellow before becoming the clinic director. It is in the context of teaching this clinic that I undertook the project of making my teaching less reliant on IRE. Much of what I share here builds on what Heather Gerken, Kathleen Morris, early and ongoing collaborator Erin Bernstein, and over a decade of clinical fellows created.

A. Clinic Context

Each semester, SFALP students work in small teams under the supervision of deputy city attorneys. They help with every stage of the litigation process, from complaints to motions practice to appeals, and they also develop ideas for new cases. The matters SFALP students work on span many substantive areas, from consumer protection to public health, immigration, worker protection, and affordable housing.¹⁰ As but a few examples, over the years students have assisted on the Proposition 8 case legalizing same-sex marriage in California, numerous (and ongoing) cases protecting local governments from federal overreach, and landmark cases against industries that are notoriously difficult to hold accountable—including manufacturers of lead paint, producers and distributors of opioids, and the world's largest oil companies.

The type of work product students produce is equally wide ranging. Just this past year, students drafted complaints, temporary restraining orders, requests for interrogatories, mediation memos, declarations, questions for moots, and demand letters, along with countless legal research memos. The clinic functions as a sort of standing army for the

¹⁰ See, e.g., *Local Action with a Long Reach*, YALE L. SCH. (Jan. 7, 2025), <https://law.yale.edu/yls-today/news/local-action-long-reach> [<https://perma.cc/68GS-SYJA>]; *Spotlight on the San Francisco Affirmative Litigation Project (SFALP)*, YALE L. SCH. (June 21, 2018), <https://law.yale.edu/yls-today/yale-law-school-videos/spotlight-san-francisco-affirmative-litigation-project-sfalp> [<https://perma.cc/68CG-XQUY>]. Students have also helped bring to task abusive landlords, online companies illegally selling firearms in California, and fraudsters posing as immigration attorneys. See *SFALP Students Instrumental in Gun Safety Settlement*, YALE L. SCH. (June 2, 2017), <https://law.yale.edu/yls-today/news/sfalp-students-instrumental-gun-safety-settlement> [<https://perma.cc/LNY3-WXUH>]; *Affordable Housing*, YALE L. SCH., <https://law.yale.edu/sfalp/major-cases/affordable-housing> (last visited Jan 5., 2026) [<https://perma.cc/R3JQ-EHWH>]; *SFALP Case Reaches \$400,000 Settlement with "Predatory" Immigration Consultants*, YALE L. SCH. (Sep. 11, 2017), <https://law.yale.edu/yls-today/news/sfalp-case-reaches-400000-settlement-predatory-immigration-consultants> [<https://perma.cc/SX9U-BM3K>].

City Attorney's Office, enabling students to support high-impact cases while also learning core lawyering skills.¹¹

In addition to their casework, students participate in a clinic seminar about the unique obstacles and opportunities facing municipal lawyers—a topic rarely discussed in other courses. We read foundational scholarship on theories of federalism and consider where affirmative litigation fits into the traditional dockets of local government offices. Students read city charters from a range of different cities to learn how those localities are structured and what authority the lawyer for the city has. The deputy city attorneys who supervise our students often join the seminar as guests. We dig into the question of who exactly the client is when you represent a city. Whose interests do you represent, and what do you do when those interests conflict? We talk about what kinds of cases cities might be uniquely situated to bring, and what it means to see local governments as an engine of positive change when they have also perpetuated—and continue to perpetuate—some of the same forms of inequity, exclusion, and disenfranchisement our affirmative litigation is designed to redress. The answers to these questions are not fixed or obvious. Sometimes, there is no single answer. What is key to me is that students learn where to look for information and how to synthesize, make sense of, and reflect on what they find.

My teaching approach is also shaped by my experience teaching a 1L writing course. Yale's introductory legal writing class is a half-semester course that students take in groups of about fifteen. I taught it for three years, iterating each time on the same core curriculum. Through this course, I engaged students in the question of how they can develop a professional voice that adheres to the longstanding norms of the profession, while also maintaining parts of their own voices—and, crucially, the perspectives and experiences they brought with them to law school.¹²

During my third year teaching the writing course, I learned that any faculty at Yale can request an observation from a pedagogy specialist at

¹¹ For more background on the clinic, see generally JUSTICE CATALYST, PUB. RTS. PROJECT, S.F. CITY ATT'Y'S OFF. & YALE L. SCH. S.F. AFFIRMATIVE LITIG. PROJECT, LOCAL ACTION, NATIONAL IMPACT: A PRACTICAL GUIDE FOR AFFIRMATIVE LITIGATION FOR LOCAL GOVERNMENTS 22 (2019), <https://www.sfcityattorney.org/wp-content/uploads/2019/04/A-Practical-Guide-to-Affirmative-Litigation-FINAL-4.13.19-1.pdf> [https://perma.cc/BZL7-KZVM], which describes the students as “a critical ‘secret weapon’ for the city.”

¹² This challenge is also the subject of an excellent piece by Andrea McCardle. Andrea McCardle, *Teaching Writing in Clinical, Lawyering, and Legal Writing Courses: Negotiating Professional and Personal Voice*, 12 CLIN. L. REV. 501, 504 (2006) (observing that those who teach lawyering skills “continually must balance the need to ensure that a student's work product meets the standard of competent representation against the educational imperative of preserving the student's individual voice and sense of personal efficacy”).

Yale's Poorvu Center for Teaching and Learning.¹³ I am always looking for ways to reflect on and improve my teaching, much the way we teach students to engage in reflective lawyering. So I jumped at the chance and requested an observation for my writing course. I was lucky to be paired with Melissa Scheve, who has decades of experience as a teacher, researcher, and teacher of teachers, and to continue working with her long after the initial observation.

Some colleges and universities have a center for teaching and learning, which may offer classroom observations.¹⁴ For clinicians who don't have access to observation by a pedagogy specialist, there are many ways to identify patterns in teaching without one. Peer evaluation is one option.¹⁵ For example, I might have asked my co-teacher or research assistant to spend one class meeting tracking class participation. If neither peer evaluation nor a specialist observation had been workable, I would have looked into the possibility of recording my own seminar (with any necessary permissions and precautions), watching the recording, and then deleting it. This type of observation, whether live or based on recordings, would have allowed me to gather data on existing patterns of discourse in my classroom.¹⁶ Noting who is speaking and in what order—and for how long each comment or question lasts—could give me a sense of how conversation typically flows in my classroom.

¹³ This was my first exposure to the Poorvu Center. Two years after Melissa's observation, I took a year-long course at the Poorvu Center, which focused on Disability Pedagogy and Accessibility. I am a member of the Center's Faculty Advisory Board.

¹⁴ MARY C. WRIGHT, CENTERS FOR TEACHING AND LEARNING: THE NEW LANDSCAPE IN HIGHER EDUCATION 12-13 (2023) (suggesting that roughly one quarter of colleges and universities have at least one such center).

¹⁵ A number of schools and organizations provide online resources for peer observation. See, e.g., *Protocols*, YALE POORVU CTR. FOR TEACHING AND LEARNING, <https://poorvucenter.yale.edu/teaching/teaching-consultations-and-observations/protocols> [<https://perma.cc/N9BW-S3FX>] (collecting resources and templates for peer evaluation). Additional helpful resources include Liz Heffernan & David Kenny, *Legal Education: A Reflective, Collaborative Approach to Peer Observation of Teaching*, 40 DUBLIN U. L.J. 205 (2017), which explains a developmental method for peer observation; and LORI R. NEWMAN, DAVID H. ROBERTS, & RICHARD M. SCHWARTZSTEIN, HARV. MED. SCH., *PEER OBSERVATION OF TEACHING HANDBOOK* (2012), <https://hms.harvard.edu/sites/default/files/assets/Sites/Academy/files/MedEdPortalPeer%20observation%20handbook.pdf> [<https://perma.cc/LB35-6G8M>], which is a handbook designed for peer observation among medical school faculty.

¹⁶ Recordings are commonly used in K-12 educator training. The Brookline Teacher Research Seminar, a teacher-led research group, for example, met for over a decade using audio transcripts from their classrooms as a primary source. See also CAZDEN, *supra* note 1, at 6 (encouraging teachers and researchers to use audio and video recordings to identify and reflect on class discussions, noting that “[t]he task for both teachers and researchers is to make the usually transparent medium of classroom discourse the object of focal attention”). Graduate programs in education also often use recordings to help teachers-in-training become more aware of and reflect on their teaching practices. See Liina Lepp, Ali Leijen & Karmen Kalk, *Teacher Education Students' First-Time Experiences of Video-Recording Their Teaching and Analyzing It*, 13 SAGE OPEN, July-Sept. 2023, at 1, 2.

B. Initiate, Respond, Evaluate (IRE)

Until Melissa came to my class, I had never heard of Initiate, Respond, Evaluate (IRE). But she pointed out that I had, without realizing, adopted it as my teaching style. Consider this interaction from the class she observed, and notice, as she did, how I speak between each student. For context, this discussion focused on the relationship between two sections of a sample memo. The key was connecting the “explanation” section, which explains the case law with the “application” section, which applies it to the client’s case.

Instructor: How do the explanation and application sections connect to each other? And for now, let’s focus on stuff that is working, and if there are ways you thought of that they could better connect, we’ll save that for when we’re talking about how it could be strengthened.

Student A: Yeah, I actually think that’s something that I thought like was confusing. Like I just didn’t understand what the paragraph was actually doing. So I didn’t like, fully internalize the explanation. But actually, the order of the explanation follows the order that the application goes in. [Describes order of cases discussed in the “explanation” section, and the issues discussed in each case.] So it’s sort of, you can kind of like mirror the order of the beginning with the order of, yeah . . .

Instructor: Yeah, so the mirroring, or you can almost think about it as the parallel structure, where the structure of one paragraph then maps out onto the structure of the other one. And you might not even realize as you’re reading that it’s doing that, but it’s part of what can help make the reading experience satisfying. Other thoughts on the connection between the explanation and application sections?

Student B: At a really broad level, obviously the explanation paragraphs are talking about those specific cases and it’s not really bringing up the case in question. And then the application paragraph does actually lay

out all the facts that are applicable to the explanation paragraphs. And then it also has a mix of like similarities and differences. So it both distinguishes and then also like says, okay, how [is our client's case] actually similar to the cases we just discussed?

Instructor: That's a great point, that the details of [the client's case] aren't discussed in detail until the application section. Why do you think that is? Why is that effective? [Directing question back to Student B.]

Student B: Well, I think it's so the reader doesn't get confused. Like you kind of just talk about the principles more broadly and then you have all the facts there. So it kind of keeps the story more straight.

Instructor: Yeah, I remember when we were looking at [an intentionally poorly written memo we read in an earlier class], there was a part where it was sort of like switching, where each sentence switched back and forth between the case law and the client's case. And it got really confusing, especially for someone not super familiar with the facts. Like, "wait, which story is this [detail] part of?"

Student C: Yeah, I think like also building off that, one, like—how this is structured could be different in the sense that like they could have presented all of the case facts in one go and then distinguished. But instead it was like, case fact that immediately paired with the case, different case fact that immediately paired with a case, which I think was effective.

There are positive aspects of this exchange. The students are engaged with me and the material. My comments contribute substantively to the conversation by providing new language for patterns the students identify and pressing them to think more deeply about their observations. For example, after student A observes that the order of one paragraph in the sample memo "kind of like mirror[s]" the order of the next one, my response highlights her observation and introduces a more technical

term, “parallel structure,” to describe what the student observed. When student B comments that the facts of the client’s case aren’t discussed in detail until the application section of the memo, I summarize her comment and then press her to dig deeper: “Why do you think that is? Why is that effective?”

Notice, however, that I really only engage with one student at a time. Watching a recording of the class afterward, I could see that each student looked at me when they spoke, and that the dialogue—both in words and in affect—flowed through me. Given that it was only the third class of the semester, and I was still getting a feel for the students, I might have chosen to use IRE, at least for part of the time. But in this instance, I didn’t even know I was using IRE. It’s just the default pattern I fell into. If IRE were the only method I used all semester, as it was in the single class Melissa observed, that would be a missed opportunity for students to make connections between each other’s comments and ask their own follow-up questions, rather than those kinds of contributions coming only from me.

It’s hardly surprising that I had adopted IRE as my default teaching mode. Education scholar Courtney Cazden describes classrooms as “among the most crowded of human environments,” comparable in some ways to restaurants or public transportation.¹⁷ All are places with lots of potential competitors for airspace. But while in a restaurant or subway car “simultaneous conversations are normal . . . in classrooms one person, the teacher, is responsible for controlling all the talk that occurs while class is officially in session.”¹⁸ This gives teachers a tremendous amount of power.¹⁹ Tasked with this power, most of us will start with a question, an invitation to the students to participate. And most of us will respond instinctively, then volley a question back across the metaphorical net. This is the IRE pattern, on repeat. The instructor initiates the exchange, a student responds, and then the teacher reacts immediately to the response.²⁰

¹⁷ CAZDEN, *supra* note 1, at 2.

¹⁸ *Id.*

¹⁹ Controlling classroom conversation isn’t a negative thing—in many ways, it’s inherent to and an important part of the teaching role—but it’s something to be used thoughtfully and with ongoing reflection. Teachers have more control than we may realize over the flow of classroom conversation, including who says what and how much and with what authority. See, e.g., CAZDEN, *supra* note 1, at 3. Cazden’s work, and that of many others, focuses on how “patterns of language use . . . affect the equality, or inequality, of students’ educational opportunities.” ELIZABETH MERTZ, *THE LANGUAGE OF LAW SCHOOL: LEARNING TO “THINK LIKE A LAWYER”* 32 (2007) (citing and describing Cazden).

²⁰ Some scholars call the sequence IRF, with the last move being “follow up,” to emphasize the wider range of responses available to instructors. See, e.g., Gordon Wells, *Reevaluating the IRF Sequence: A Proposal for the Articulation of Theories of Activity and Discourse for the Analysis of Teaching and Learning in the Classroom*, 5 *LINGUISTICS & EDUC.* 1, 7, 29-35 (1993) (describing use of IRF and IRE and noting that the third move sometimes

Cazden captures the ingrained nature of IRE well with an analogy to computer programming: “in computer terminology, [IRE] is the *default option*—doing what the system is set to do ‘naturally’ unless someone makes a deliberate change.”²¹ By some accounts, “some 70% of all the discourse that takes place between teacher and students” in middle and high school takes the form of IRE.²² For that reason, IRE is also “[o]ne of the more commonly studied interaction patterns found in the classroom.”²³ IRE, and classroom patterns of discourse more broadly, have mostly been studied in the K-12 context.²⁴ More recently, researchers have paid some attention to its prevalence in college classrooms.²⁵

I have not found any studies of IRE in the context of law schools or other professional schools,²⁶ but from my conversations with students

“functions much more as an opportunity to extend the student’s answer, to draw out its significance, or to make connections with other parts of the students’ total experience during the unit”); see also Joshua J. Thoms, *Classroom Discourse in Foreign Language Classrooms: A Review of the Literature*, 45 FOREIGN LANGUAGE ANNALS S8, S11 (2012) (noting that the distinction between IRE and IRF—which the author characterizes as “initiate-response-feedback”—hinges largely on the “different functions of the third turn in the two interaction sequences”); JOHN McH. SINCLAIR & MALCOLM COULTHARD, *TOWARDS AN ANALYSIS OF DISCOURSE: THE ENGLISH USED BY TEACHERS AND PUPILS* 117-18 (1975) (applying the IRF model).

The “follow-up” move might involve asking a follow-up question, restating the student’s comment using a term of art the teacher is trying to teach, or even directing a question to the whole class based on the comment. My primary focus in this Article isn’t on how to use that third move, but how to, at least some of the time, drop it entirely, so that it’s the students who pick up the baton next rather than ping-ponging back and forth through the instructor. For clarity, I use the more common term and refer to this three-step, teacher-centered pattern as IRE, with the “E” encompassing a full range of possible verbal and sometimes nonverbal responses on the instructor’s part.

²¹ CAZDEN, *supra* note 1, at 31 (emphasis added); see also Wells, *supra* note 20, at 2 (citing DENIS NEWMAN, PEG GRIFFIN & MICHAEL COLE, *THE CONSTRUCTION ZONE: WORKING FOR COGNITIVE CHANGE IN SCHOOL* 127 (1989) (“[T]he three part structure of triadic dialogue is ‘quite nicely designed’ to achieve the goals of education; whereas the exchange, as a whole, is ‘collaboratively constructed,’ . . . it has the particular merit of having ‘a built-in repair structure in the teacher’s last turn so that incorrect information can be replaced with the right answers.’”)).

²² Wells, *supra* note 20, at 1-2 (estimating prevalence for secondary-school classrooms).

²³ Thoms, *supra* note 20, at S11.

²⁴ See, e.g., Xinjian Cen et al., *Development of the Follow-Up Discourse Observation Protocol (FUDOP) for Characterizing Instructor Active Learning Follow-Up Behaviors*, 24 CBE–LIFE SCI. EDUC. 2, 2 (2025) (noting that “[m]ost studies of discourse have been done in small K-12 classrooms, where many students have the opportunity to interact with their instructor as part of a whole-class discussion”).

²⁵ See, e.g., Maureen Neal, *Look Who’s Talking: Discourse Analysis, Discussion, and Initiation-Response-Evaluation Patterns in the College Classroom*, 35 TEACHING ENGLISH TWO-YEAR COLL. 272 (2008); Jourjina Subih Alkhouri et al., *Teaching and Discourse Practices across Discipline, Position, Experience, and Class Size in STEM College Classrooms*, 71 BIOSCIENCE 1063 (2021).

²⁶ The one mention of IRE I found in law journals came from a review of a book set in a small town in post-*Brown* Louisiana. Nghana Lewis, *Facts and Fiction: Literary Instructions*

and colleagues, I don't think I'm the only one who defaults to it. After all, faculty are products of K-12 education, likely to default to the patterns of discourse many of us experienced as students. "Few law professors receive any training before they become teachers," so many of us "replicate the teaching strategies of [ou]r former professors."²⁷ IRE is likely a comfortable and familiar pattern to most people in the room.

As noted above, IRE can be a genuinely useful strategy. It's just a limited one. Sometimes it leads to teachers dominating the conversation, to students' detriment. But other times, it lets teachers strike a thoughtful balance, asking pointed and generative questions to deepen student learning.²⁸ There are often good reasons for teachers to respond to what students say. We might highlight a particularly interesting or meaningful point, ask a follow-up question, or add a new layer to the conversation based on our own experience and knowledge. IRE can be a useful way to gauge students' understanding of the material, clarify misunderstandings, and, in instances where we need to move through content quickly, to provide feedback on each student's comment immediately and then move on. As one example of the possible positive uses of IRE, Gordon Wells, who otherwise advocates for more dialogic discourse, notes that the genre "can also be used to achieve other, and more productive, goals, including the coconstruction of knowledge on the basis of ideas and experiences contributed by the students as well as the teacher."²⁹ But I have become convinced that IRE should be one strategy among many that we use consciously and in tandem with other approaches.

II. DECIDING TO CHANGE

Through the lens of my conversations with Melissa and the education literature she introduced me to, I started to see that IRE centered me, as the teacher, because the conversation literally flowed through me.³⁰ This matters because when the conversation runs through

on *Public School Integration in Ernest Hill's Satisfied with Nothin'*, 20 *LAW & LITERATURE* 115, 120 (2008). The review, which focuses on the effect of integration on literacy instruction, highlights a classroom scene in which "a series of teacher-student exchanges . . . transpire in accordance with a teaching method Courtney B. Cazden characterizes as 'initiate, respond, and evaluate (I-R-E).'" *Id.* Lewis notes that this method "places the teacher, as opposed to students, at the center of learning." *Id.*

²⁷ Mlyniec, *supra* note 4, at 559 (footnote omitted).

²⁸ For additional examples of a classroom transcripts reflecting IRE sequencing, see Neal, *supra* note 25, at 275-76. Neal notes that the pattern "has a positive and well-intentioned purpose" but can detract from students' classroom experiences. *Id.* at 276.

²⁹ Wells, *supra* note 20, at 35. Wells also notes that the structure is versatile, not monolithic. *See id.* at 2-3.

³⁰ Malinda Hoskins Lloyd, Nancy J. Kolodziej & Kathy M. Brashears, *Classroom Discourse: An Essential Component in Building a Classroom Community*, 26 *SCH. CMTY. J.* 291, 294 (2016) ("[T]he traditional IRE model perpetuates teacher-directed communication.").

the professor, students are less likely to introduce new ideas and run with them.³¹ IRE limits what pedagogy literature often describes as “uptake” among students.³² Uptake here refers to the “taking up” of one student’s comment by another, or, in more colloquial terms, students building on or bouncing off each other’s questions and observations.³³ Research suggests that IRE inhibits creativity and the free flow of ideas—a finding that makes sense intuitively.³⁴ Speaking between each student also limits the amount of airspace available for students to contribute and tease out their ideas. Law students are already primed to defer to faculty as the experts, and IRE drills this home even more.³⁵ What many of us may not realize is that if the instructor doesn’t jump in with the “E” of IRE (evaluate), students often will. They might ask, “What do you mean by that? Which passage brought that to mind for you? How do you think it would play out in this other situation?” Or, “I agree, here’s why,” or “I disagree, here’s why.” Alternatively, students might contribute a different idea or question and move the conversation in a new direction.

Moving away from IRE can support an environment where students feel a collective responsibility to help frame, guide, and keep track of the conversation. Importantly, the teacher is still the backstop for these roles. If no one else is playing them, the responsibility falls to the teacher to do so. The teacher can still jump in to correct misunderstandings or bring the conversation back on task. But if the teacher doesn’t jump in right away, students can start to take on these roles as well. They might ask a classmate who just spoke for clarification or to say more, or describe

³¹ See Dot McElhone, *Pressing for Elaboration in Student Talk About Texts*, 48 J. CLASSROOM INTERACTION 4, 12 (2013) (characterizing IRE classroom interactions as “teachers funnel[ing] students toward” particular interpretations).

³² See, e.g., Clare Valerie Bell, *Uptake as a Mechanism to Promote Student Learning*, 1 INT’L J. EDUC. IN MATHEMATICS, SCI. & TECH. 217 (2013).

³³ *Id.* at 227.

³⁴ Thoms, *supra* note 20, at S12 (“The IRE discourse pattern has been found to limit students from speaking freely about the topic of class discussion and to prevent students from extending and elaborating upon their utterances. Further results have shown that it does not allow for complex ways of thinking and communicating between student and teacher.”) (citing Douglas Barnes, *The Role of Talk in Learning*, in THINKING VOICES: THE WORK OF THE NATIONAL ORACY PROJECT (Kate Norman ed., 1992)).

³⁵ See Thoms, *supra* note 20, at S11 (“The roles taken on by both teacher and student within the IRE interaction pattern allow the teacher to act as an expert in charge of guiding the interaction and evaluating the accuracy of the student’s response. . . . The teacher’s role within the IRE pattern controls and sanctions the amount and type of interaction that takes place in the classroom. As a result, students’ freedom to interact and respond in meaningful ways within the IRE pattern is determined by the teacher.”) (citing Joan Kelly Hall & Meghan Walsh, *Teacher-Student Interaction and Language Learning*, 22 ANN. REV. APPLIED LINGUISTICS 186 (2002)). This also means that moves like naming a common thread in the conversation or pivoting to a related question are performed primarily by the teacher, because the expectation is set early on that the teacher, not the students, is in charge of managing and making meaning of the conversation.

where the conversation is going and push it in a new direction, or note a lull in the conversation and ask their classmates where to take it next.

One educator and researcher, Maureen Neal, analyzed transcripts of her own classes and realized that to change how students spoke (or didn't) with each other, she would need first to change how she spoke. "I finally could understand that it was *my* classroom language that put such a damper on classroom discussion," she wrote in an article about her research on classroom discourse in the college setting.³⁶ "[I]f discussion was going to be constructive and provocative and truly interactive in the way I wanted it to be, then *my* language needed to change."³⁷

In this Section, I describe why I decided to shift away from IRE-by-default to a way of teaching that generates more dialogic discourse.

A. Dialogic Discourse

It's exhilarating to be in a classroom where there is a sense of collective responsibility, so that students are actively engaged in thinking not just about what's being said but also what's not being said and what questions remain. Otherwise, students are either not considering these questions at all, or they're considering them but not sharing their instincts with the class because they think that's the teacher's role, not theirs. By speaking less but continuing to listen carefully and attentively to each student, teachers can "establish a sense of shared 'voice of authority.'"³⁸

A sense of shared ownership of the conversation may enable students to engage more around difficult conversations and topics because they feel a collective responsibility to keep the conversation from going sideways. If students know the professor will jump in if a key perspective is missing, if the same two people are talking the whole time, or if key readings are ignored, they are unlikely to try to course correct themselves. But if they know the professor is intentionally giving the students space to try this out themselves, they are more likely to give it a shot.

This approach to teaching allows us to model ways of engaging authentically, even where there are necessarily, and often importantly, differences in power and opinion, as in supervisor-student relationships

³⁶ Neal, *supra* note 25, at 277.

³⁷ *Id.*

³⁸ Lloyd et al., *supra* note 30, at 297 (citing Courtney Cazden & Sarah Beck, *Classroom Discourse*, in *HANDBOOK OF DISCOURSE PROCESSES* 180 (Routledge 1st ed. 2003)) (noting that "[t]he teacher's role as a listener provides the opportunity for formative assessment as students explain their thoughts, reason critically, justify responses, and 'argue' with peers").

and between supervising attorneys and more junior attorneys in practice.³⁹ Placing more responsibility on the students to manage the conversation also gives them an opportunity to practice being in conversation while also reflecting on and helping co-manage that conversation. Cognitive scientists describe this as metacognition: “the ability to reflect on one’s own thought processes, to improve those processes, and to adapt them to new situations.”⁴⁰ Metacognition is challenging—and essential to good lawyering—because it means doing the thing, whether that’s a client interview, an oral argument, or a discussion with colleagues, while also reflecting on what you’re doing and adjusting in real time as the scene unfolds.⁴¹

Consider these dynamics through the lens of Paolo Freire’s “banking” concept of education.⁴² In the banking model, students are “receptacles” for the professor’s knowledge.⁴³ “The teacher teaches and students are taught,”⁴⁴ with knowledge flowing in only one direction and students holding onto the knowledge and “withdrawing” it unchanged and on-demand, for exams and the like.⁴⁵ Picture pure lecture, one in which the professor’s questions are designed only to elicit very specific, right-or-wrong answers. On the other side of Freire’s spectrum is “problem-posing education,” where students become “critical co-investigators in dialogue with the teacher.”⁴⁶

Building on the idea of problem-posing education, bell hooks uses the term “engaged pedagogy” to describe a form of teaching in which students are “active participant[s], not [] passive consumer[s].”⁴⁷ Hooks and Freire both emphasize the way that learning can emerge in the interaction between students and faculty—what hooks calls the “mutual recognition” of each other.⁴⁸ In contrast to the banking model, in problem-posing education, students and teachers identify meaningful problems together, critically analyze these problems by examining their root causes and contradictions, and then take action to address them.

³⁹ HUGH MEHAN, *LEARNING LESSONS: SOCIAL ORGANIZATION IN THE CLASSROOM* 1 (1979) (noting that “[c]lassroom competence involves matters of form as well as of content”).

⁴⁰ Balsam, Brooks & Reuter, *supra* note 8, at 53 (quoting an Ohio State University webpage that is no longer available).

⁴¹ *See id.*

⁴² PAULO FREIRE, *PEDAGOGY OF THE OPPRESSED* 72 (1970).

⁴³ *Id.*

⁴⁴ *Id.* at 73.

⁴⁵ *See generally id.* at 71-86.

⁴⁶ *Id.* at 81.

⁴⁷ bell hooks, *TEACHING TO TRANSGRESS: EDUCATION AS THE PRACTICE OF FREEDOM* 13-14 (1994).

⁴⁸ *Id.* at 13; *see* Freire, *supra* note 42, at 81. This kind of mutual recognition doesn’t happen automatically. “To begin, the professor must genuinely *value* everyone’s presence. There must be an ongoing recognition that everyone influences the classroom dynamic, that everyone contributes.” hooks, *supra* note 47, at 8.

This creates what Freire calls “praxis,”⁴⁹ a cycle of reflection and action, similar to what clinicians call reflective lawyering.⁵⁰

Lawyering “requires constant learning and adaptation,” and lawyers “must be able to recognize shortfalls in their own knowledge or training, devise ways to remedy those shortfalls, and pursue those remedies.”⁵¹ If the professor speaks between each student, students aren’t pushed to think about the direction the conversation is taking, perspectives that might be missing, or ways to respond or inquire further about classmates’ comments they don’t agree with or don’t understand. They don’t have the opportunity or (good) pressure to respond directly to their classmates and “take up” what their classmates say.⁵² If faculty loosen the reins a bit on classroom discourse, students can share the metacognitive load.

Finally, over-reliance on IRE can create a loop where the instructor feels, as a matter of equity, that they need to respond to each student’s comment, even if there isn’t something they necessarily need to add, or there are other students ready and waiting to speak. I’ve found that once I have started responding after each comment, I feel an obligation to continue. I worry that if I don’t say anything after a student speaks, it will seem like I don’t approve of the comment or don’t find it interesting or worthy of note. In contrast, when I shift away from the IRE default, the absence of a third “move” from me, the teacher, signals only that there is an opening for everyone to think and someone else to speak.

B. *A Natural Fit for Clinic Seminars*

One of our charges as clinical faculty is to model the best in lawyering and in teaching, and to help students become creative, compassionate, and resilient lawyers⁵³—lawyers who are prepared

⁴⁹ FREIRE, *supra* note 42, at 79.

⁵⁰ See, e.g., Ian Weinstein, *Teaching Reflective Lawyering in a Small Case Litigation Clinic: A Love Letter to My Clinic*, 13 CLIN. L. REV. 573, 583 (2006) (detailing this process).

⁵¹ Balsam, Brooks, & Reuter, *supra* note 8, at 53 (quoting an Ohio State University webpage that is no longer available).

⁵² Bell, *supra* note 32, at 227.

⁵³ See CAROLYN GROSE & MARGARET E. JOHNSON, *LAWYERS, CLIENTS & NARRATIVE: A FRAMEWORK FOR LAW STUDENTS AND PRACTITIONERS*, xvii-xix (2017). Grose and Johnson argue that lawyers

need to be able to collaborate effectively, and engage in critical self-reflection and evaluation. We must be open to examining and challenging assumptions we and those we interact with hold. We must be curious, critical thinkers, able to identify and resolve ethical issues professionally. We must be cross-culturally competent, and pursue justice, whatever form that take[s]. Most of all, we lawyers need to make intentional choices about how to develop, maintain, and exercise all of these skills and values.

Id. at xvii-xix.

to tackle problems that we as teachers aren't necessarily aware of or best situated to solve.⁵⁴ Building this type of lawyer is a central goal of clinical education, along with increasing access to justice and, in increasingly unstable times, defending the rule of law while also applying a critical lens to the legal system.⁵⁵ My work on decentering the professor in the clinic seminar builds on a robust and long-standing conversation among clinicians about how our pedagogy, and in particular the way we interact with students and approach our own positions in the classroom and in supervision, can best serve these goals. It also builds on the many strategies clinicians are already using to facilitate dialogic discussion and center student voices in their seminars.

I. Seminar Design

Clinic seminars bring together theory and practice, providing a space that's connected to but separate from the often fast-paced work of lawyering. In seminar, professors can “define[] learning goals and bring[] the entire class together to learn a mix of lawyering skills, theory, policy, and doctrine – ‘providing students with a vocabulary and framework for their real practice experiences.’”⁵⁶ At their best, these seminar classes “are both rigorous and improvisational,” with the whole group thinking together rather than simply conveying and absorbing information.⁵⁷

The question of *how* to teach, not just *what* to teach, is an ongoing conversation in the clinical literature, at conferences, and between colleagues at institutions across the country. Recognizing some of the limits of the Socratic method, “many clinical teachers seek strategies that are effective for adult learners in other contexts and replicate

⁵⁴ See Phyllis Goldfarb, Randy Hertz & Michael Pinard, *Foreword, Reflecting on Our Turbulent Times*, 28 CLINI. L. REV. 1, 6 (2021) (noting that “[c]linical programs have long responded to calls to address legal emergencies,” with the Covid-19 pandemic as a recent example of a crisis forcing “clinical legal educators and clinical programs to turn sharply, often to unknown roads”).

⁵⁵ See Susan Bryant, Elliott Milstein & Ann Shalleck, *Learning Goals for Clinical Programs*, in TRANSFORMING THE EDUCATION OF LAWYERS, *supra* note 3, at 13, 14 (delineating seven core goals of clinical legal education).

⁵⁶ Gilman, *supra* note 4, at 213-14 (quoting Kate Kruse, *Legal Education and Professional Skills: Myths and Misconceptions About Theory and Practice*, 45 MCGEORGE L. REV. 7, 33 (2013)). Gilman describes clinical instruction as happening across three sites: case rounds, clinic seminar, and supervision, which she defines to include the representation itself. *Id.* at 212.

⁵⁷ Russell Gabriel, Carolyn Wilkes Kaas & Alexander Scherr, *Externships 9: Coming of Age, March 2018*, (Mar. 9-11, 2018) U. GA. SCH. L., <https://digitalcommons.law.uga.edu/xconf/2018> [<https://perma.cc/YS98-KYH5>] (describing a session entitled “Inviting the Unexpected: The Theory of Teaching as Improvisation”).

them in the law school classroom.”⁵⁸ For example, many clinicians use strategies such as case rounds, quick-writes, simulations, teach-ins, and small group discussions to build and reinforce the skills and judgment students need to succeed in their fieldwork.⁵⁹ These exercises get students talking, reflecting on their own work and that of their classmates, and tackling problems from many different angles and perspectives. Because these exercises are highly structured, and because of the way they are structured, they generally don’t reflect the teacher-centered patterns of IRE. But most seminars also, over the course of the semester, involve some whole-class, open-ended discussion, for which different facilitation strategies are needed.

“[D]iscussion is the predominant teaching method used in the clinical setting.”⁶⁰ Facilitating discussion requires careful planning, particularly around how to launch the conversation in a way that invites participation, and when and how faculty plan to intervene. In their edited volume on the theory and practice of clinical pedagogy with Ann Shellack, clinicians Susan Bryant and Elliot Milstein note that “[w]hen teachers pay attention to both the subject matter and the process of conversations, good classroom conversations result.”⁶¹ The authors describe three types of classroom conversation. The first two are structured largely as “a back and forth between the teacher,”⁶² a pattern that can also be described as IRE. In the first type of conversation, “grill and drill,” faculty ask questions knowing the answer they are looking for.⁶³ In the second, “brainstorm and collecting,” students put ideas on the table, and faculty collect, refine, and categorize them.⁶⁴ In both instances, an IRE-style back-and-forth with the professor may be useful, as a way to frame the conversation and provide a clear entry point for students. But the third type of conversation, “discussing and constructing,” is where the deepest learning kicks in:

In the discussing and constructing conversations, students take more responsibility for the conversation. Teachers begin the inquiry and students actively engage one another,

⁵⁸ Mlyniec, *Where to Begin?*, *supra* note 4, at 155 (noting also that “[l]ike most law school professors, clinicians employ traditional Socratic style lectures, discussions, and problem solving exercises in their seminars”).

⁵⁹ *See id.* at 109 n.23, 118, 136; Susan Bryant & Elliot S. Milstein, *Planning and Teaching the Seminar Class*, in *TRANSFORMING THE EDUCATION OF LAWYERS*, *supra*, note 3, at 57, 66. *See generally* EPSTEIN ET AL., *supra* note 4 (offering a roadmap for a clinic seminar curriculum that teaches core lawyering skills through hands-on learning).

⁶⁰ Bryant & Milstein, *supra* note 59, at 66.

⁶¹ *Id.*

⁶² *Id.* at 68.

⁶³ *Id.* at 67.

⁶⁴ *Id.*

asking the kinds of questions we might ask of the person proposing the idea: what is your evidence for that? What does it depend upon? We want them to disagree with each other and to provide additional evidence to support a colleague's ideas. We are engaging students in constructing knowledge by interacting with one another's ideas.⁶⁵

In my experience, this third type of conversation is where overreliance on IRE is most likely to hold back student learning. Bryant and Milstein are attentive to the need for faculty to step back and be intentional about "intervention patterns" in order to enable this type of conversation.⁶⁶ This is particularly true with challenging topics such as race and power dynamics.⁶⁷ But the question of how to evaluate and change these patterns in order to center students during open-ended seminar discussions remains undertheorized.

The strategies I propose in this Article also connect to existing work on critical lawyering theory. Part of what critical lawyering theory does is name, dissect, and offer alternatives to certain orthodoxies.⁶⁸ In the seminar context, one of those orthodoxies is the idea that the professor is the center of the conversation, the only source of authority in the room. Disrupting that orthodoxy could mean asking students to plan and lead a portion of the clinic seminar.⁶⁹ It could mean inviting a client to teach, as Norrinda Brown has done in her clinic at Fordham Law.⁷⁰ By turning the client into the teacher, Brown showed that expertise doesn't come solely from the teacher. Disrupting teacher-centered orthodoxies could also look like a faculty member sitting at the side of the table instead of the head of it, letting silences linger, and encouraging students to look at each other when they speak. Identifying and disrupting the traditional flow of conversation between students and faculty in the seminar classroom is one tool among many for disrupting traditional power dynamics.

⁶⁵ *Id.* at 68-69.

⁶⁶ *Id.* at 71.

⁶⁷ Jean Koh Peters & Susan Bryant, *Talking About Race*, in *TRANSFORMING THE EDUCATION OF LAWYERS*, *supra* note 3, at 375, 395-402.

⁶⁸ See Wendy A. Bach & Sameer M. Ashar, *Critical Theory and Clinical Stance*, 26 *CLIN. L. REV.* 81, 84 (2019) (distinguishing "critical theory" from pure theoretical observations, on the grounds that "[c]ritical theoretical work includes deploying theoretical insights in service of a demand for . . . change").

⁶⁹ Amanda Levendowski, *Teaching Doctrine for Justice Readiness*, 29 *CLIN. L. REV.* 111, 130-131 (describing "deep dives," a methodology developed by clinician Lee Rowland in which students "teach and learn doctrine in areas of importance and interest," and noting that one of the goals of the methodology is to "democratiz[e] the classroom conversation").

⁷⁰ Brown, *supra* note 5.

2. Nondirective Supervision

Nondirective supervision theory is another important way scholars have theorized the range of choices available to clinical faculty in how they structure student learning and situate themselves in relation to students. Considered the “signature pedagogy of clinical teaching,” nondirective supervision involves, at its core, “guid[ing] students to analyze problems and arrive at solutions without telling them the answers.”⁷¹ A brief overview of this approach is instructive because it reflects many of the same beliefs and goals that drive my work on shifting away from IRE in the seminar classroom.

Nondirective supervision theory comes out of the conviction that “adult students learn best by doing, through genuine experience,” rather than as passive recipients of information.⁷² It also reflects the belief that decentering the professor, whether in supervision or seminar, can facilitate greater role assumption by students and provide the opportunity for faculty to model “the kind of genuine critical reflection we want [students] to engage in about themselves and their representation of clients.”⁷³ Crucially, as with the seminar facilitation strategies I propose, nondirective supervision doesn’t mean that the professor abdicates their role. It just means approaching that role differently.

This can take many different forms. As one simple example, it might look like asking students what they think needs to happen next in a case and why, rather than charting the path forward for them. Nondirective supervision assumes some flexibility in how professors approach students, both in what initial frameworks they set up for learning and decision-making, and how and when they intervene along the way.

In a paper on strategies for nondirective supervision, Michelle Gilman urges faculty to approach supervision sessions “as sites for varied and intentional modes of being nondirective.”⁷⁴ Gilman describes a wide range of strategies faculty can use to integrate this pedagogy in supervision meetings. These include moots and role plays, quick-writes,

⁷¹ Gilman, *supra* note 4, at 211.

⁷² Grose, *supra* note 4, at 419. This insight comes from adult learning theory, also called andragogy, a field of education focused on how adults learn. See, e.g., Carolyn Grose, *Critical Lawyering Pedagogy, Transforming Legal Education (to save Democracy)*, 44 MINN. J. LAW & INEQ. (forthcoming 2026) (manuscript at 11 n.51) (describing the core tenets of andragogy), available at <https://ssrn.com/abstract=5383514>; MALCOM KNOWLES, *THE MODERN PRACTICE OF ADULT EDUCATION: FROM PEDAGOGY TO ANDRAGOGY* (1980) (foundational book on andragogy, popularizing the term).

⁷³ See Grose, *supra* note 4, at 436; see also Minna J. Kotkin, *Reconsidering Role Assumption in Clinical Education*, 19 N.M. L. REV. 185 (1989) (describing role assumption theory, including the ways in which watching faculty model lawyering skills is itself instructive even when students aren’t yet fully occupying that role).

⁷⁴ Gilman, *supra* note 4, at 212.

and guided decision-making frameworks, among other strategies.⁷⁵ “By pushing students to develop their decision-making skills,” these types of nondirective exercises “result[] in transferable lessons that can apply well beyond the end of the semester into a student’s long-term legal career.”⁷⁶ These strategies also create an environment where students must use their own judgment and put into practice what they have learned in seminar, in other classes, and in their own life experience. In brainstorming roundtables, for example, “the supervisor sets forth the brainstorming proposition and then calls on students to offer their insights.”⁷⁷ Connecting relatively small instructional shifts to big learning goals, Gilman notes that “moving back and forth among team members also has the benefit of including all students in the discussion,” and encourages students to contribute “ideas without pre-judging them.”⁷⁸

Student-centered pedagogy like nondirective supervision and thoughtfully structured seminar exercises disrupts the default positioning of the faculty member as the all-knowing expert. This in turn empowers students as agents of their own learning and practice, as opposed to passive receivers of information. It also creates more space for students to assume roles they may play in the future. They can practice concrete lawyering skills, such as interviewing a client or arguing in court. At the same time, they develop the ability to engage in thoughtful conversation with colleagues, to identify collective blind spots, and to think aloud and reflect in real time. When faculty “challeng[e] structures that view the educator as the sole authority,” they create “space for learners to make sense of content individually and collectively through interaction and reflection.”⁷⁹

⁷⁵ *Id.* at 213.

⁷⁶ *Id.* at 214.

⁷⁷ *Id.* at 222.

⁷⁸ *Id.* Nondirective supervision is often framed as a departure from the Socratic method, which remains the default form of instruction even in clinical settings. *See* Mlyniec, *supra* note 4, at 155; Gilman, *supra* note 4, at 216 (“Socratic questioning is the dominant technique discussed in clinical literature.”). Gilman argues that new clinicians should be offered multiple tools for supervision, not exclusively the Socratic method they may be most familiar with as former law students. Gilman, *supra* note 4, at 216-17. Gilman argues that “done well and with transparency, an intentional series of Socratic questions can help students uncover new ideas, reconsider assumptions, and reflect on all aspects of a representation.” *Id.* at 216-17. But done poorly, “it can be stressful and unrewarding for students”—and, I would add, reinforce the idea of the professor as the expert and the student as the one who answers questions, rather than one who might generate questions and creative approaches to answering them on their own. “[A]s with any teaching methodology, the Socratic method can be done well or poorly, and even at its most skillful, it has its benefits and downsides.” *Id.* at 236.

⁷⁹ Education Development Toolkit, *Universal Design for Learning*, CARDIFF UNIV., <https://sites.cardiff.ac.uk/education-development-toolkit/theme-overview/inclusivity/universal-design-for-learning> [<https://perma.cc/E5E9-P6HV>] (last visited Jan 5, 2026). Student-centered pedagogy—defined as “the capacity to actively participate in making

Importantly, while nondirective supervision as a theoretical approach informs how faculty engage with students, it's not a script that tells faculty what to do. By virtue of their role as faculty, and in structuring and leading the clinic, they are making choices that shape student learning and client outcomes. Student learning depends, to some extent, on directiveness, "even when we are merely asking them what their goals are or why they took a particular course of action."⁸⁰ Ann Shalleck highlights this point in a seminal paper based on a detailed account of three "scenes" from students' work on a domestic violence case.⁸¹ In the first scene, the students debrief their initial client meeting with their supervisor and decide to seek a civil protection order.⁸² In the second, the students represent their client at a hearing,⁸³ and in the third scene, the students and their supervisor debrief the hearing.⁸⁴

Shalleck then zooms out, highlighting the supervisor's behavior and decisions during the scenes.⁸⁵ Shalleck reflects that "[w]hile any given interaction between teacher and student may have become very nondirective—either in the sense of being very free flowing, without a structured or predefined agenda, or in the sense of not leading to a particular answer or way of looking at things—the teacher was nonetheless both defining the educational agenda and making decisions in a self-conscious, directed manner."⁸⁶ The question is not whether the professor plays a role in shaping the conversation in supervision or in seminar, but how they approach that role.⁸⁷

choices in service of learning goals"—empowers students to take more responsibility for their own learning. *Id.* This kind of teaching can also be energizing for students. Students who are actively engaged in making decisions about their own cases, for example, are more likely to "feel[] energized at the end of a supervision meeting and eager to move their cases forward, while also gaining transferable lessons that can be applied to other lawyering tasks and cases." Gilman, *supra* note 4, at 213.

⁸⁰ Mlyniec, *supra* note 4, at 114.

⁸¹ Shalleck, *supra* note 4, at 113-17.

⁸² *Id.* at 117-23.

⁸³ *Id.* at 123-33.

⁸⁴ *Id.* at 133-36.

⁸⁵ *Id.* at 136-78.

⁸⁶ *Id.* at 179.

⁸⁷ See Grose, *supra* note 4, at 428-29 (highlighting that diverse approaches to clinical teaching can serve the same goals—providing excellent client service and helping students learn). Grose found that faculty motivated by similar teaching and lawyering goals nonetheless make very different decisions about whether to attend their students' initial client interviews. *Id.* at 418. The decision, she argues, should be made "on a case-by-case, student-by-student basis," potentially in conversation with the student about what they think will work best. *Id.* at 417. "It might turn out that sometimes students learn best if we intervene and sometimes they learn best if we do not. Likewise sometimes clients are better served if we sit out the interview, and sometimes they are better served if we attend." *Id.* at 428-29.

3. *Drawing on Other Disciplines*

In addition to clinicians' rich tradition of embracing nontraditional models of classroom and interpersonal engagement, clinical scholars have repeatedly looked to other disciplines for theoretical frameworks and practical tools to apply in the clinic context. For example, Mary Nicol Bowman's and Lisa Brodoff's work on linking legal writing and clinical learning through transference details their experience drawing on specific language from learning theory to name and adjust dynamics in clinical teaching.⁸⁸ Bowman and Brodoff noticed that even when students had learned a particular skill in Bowman's legal writing course, they often weren't able to apply it in Brodoff's clinic. This realization propelled them "to study learning theory and, specifically, concepts about teaching for transfer, so that we and our students would be able to crack our teaching and learning silos."⁸⁹ Transfer is "the use of knowledge or a skill required in one situation to perform a different task."⁹⁰ Bowman and Brodoff's article applies education theory to show how changes to clinical and legal writing programs can cement student learning across different courses and types of assignments.⁹¹

As another example, Carolyn Grose incorporates narrative theory into clinical and doctrinal classrooms as a way of showing students that law is "constructed not by some objective external Decision Maker in the Sky, but by lawyers . . . who were once law students."⁹² Grose wants students to understand that they are *already* part of constructing stories about what the law means and how it applies to different situations, and to practice the storytelling that forms the heart of effective client representation.⁹³ Bringing narrative theory into the classroom and supervision is also a way of resisting a model of learning based on passive receipt of knowledge or rote application of law to facts. It creates instead an environment where students engage authentically in the craft

⁸⁸ Mary Nicol Bowman & Lisa Brodoff, *Cracking Student Silos: Linking Legal Writing and Clinical Learning Through Transference*, 25 CLIN. L. REV. 269 (2019). For more on transference, see Deborah Maranville, *Transfer of Learning*, in BUILDING ON BEST PRACTICES: TRANSFORMING LEGAL EDUCATION IN A CHANGING WORLD 90-93 (Deborah Maranville, Lisa Radtke Bliss, Carolyn Wilkes Kaas & Antoinette Sedillo López eds., 2015).

⁸⁹ *Id.* at 271.

⁹⁰ *Id.* (citing Laurel Currie Oates, *I Know I Taught Them How to Do That*, 7 LEGAL WRITING: J. LEGAL WRITING INST. 1, 1 (2001)).

⁹¹ *See id.*

⁹² Carolyn Grose, *Storytelling Across the Curriculum: From Margin to Center, from Clinic to the Classroom*, 7 J. ASS'N LEGAL WRITING DIRS. 37, 48 (2010). *See also* Grose, *Critical Lawyering Pedagogy*, *supra* note 72, at 4 (offering a comprehensive framework for legal education that brings together critical pedagogy, narrative theory, and critical lawyering, and emphasizes, among many features, "teaching methods that center [students'] authentic learning and personal development.").

⁹³ *See id.*

of lawyering. Grose uses storytelling exercises in class, for example, to “challenge students to deconstruct the story they are hearing or telling, to gain understanding of that story’s substantive and technical elements, and to recognize the choices that lawyers must make to construct a story that is persuasive and likely to further their client’s goals.”⁹⁴

As I reflected on how to facilitate seminar discussions in a way that would center my students’ voices, I drew inspiration from clinical legal education’s tradition of moving against the grain. I sought to expand the number of tools in my toolbox—what Beryl Blaustone has called “teaching choices”—and my ability to name and discuss my own tools.⁹⁵ I hoped that by changing my teaching in this way, I would challenge students to engage authentically across different perspectives and take collective responsibility for drawing out each other’s questions and ideas—skills that would serve them as lawyers and people well into the future.

III. MAKING A CHANGE

Melissa and I continued working together after her initial observation. She helped me develop a more open-ended approach to classroom discussion in both my writing class and clinic seminar, using strategies that encourage students to respond directly to each other’s comments rather than running each one through me.

A. Positioning

First, I changed my seat at the seminar table. My clinic seminar met around a large rectangular table during the fall semester. For years, I sat in the same seat at the head of the table. But I started sitting in one of the chairs along the side. I also shifted my seat each class, in order

⁹⁴ *Id.* Clinicians have long looked to other fields to find language for what clinicians might already be doing or striving to do. Colleen Shanahan and Emily Benfer’s work on adaptive clinical teaching, a specific method of guidance and reflection designed to guide pedagogy decisions, draws on the work of “scholars in psychology, sociology, adult learning, legal education, and clinical pedagogy.” Colleen F. Shanahan & Emily A. Benfer, *Adaptive Clinical Teaching*, 19 CLIN. L. REV. 517, 518 (2013). The authors make clear that they “are not designing [adaptive clinical teaching] from whole cloth, but rather aim[ing] to describe the process that many clinical teachers already implicitly or explicitly use to teach a variety of students in different clinical settings.” *Id.*

Others have looked to fields as varied as therapeutic jurisprudence, multi-party negotiations, and clergy education to enrich our clinical pedagogy. *See Cruz, supra* note 6 (therapeutic jurisprudence); Srikantiah & Martinez, *supra* note 6 (negotiations); Floyd et al., *supra* note 6 (clergy education). Like these authors, my aim is to highlight language and frameworks from other fields that can help clinicians describe and, where appropriate, adapt our approach to pedagogy in the seminar classroom. At core, we are all talking about how people learn—how they learn not just information, but skills and orientations.

⁹⁵ Blaustone, *supra* note 4, at 144.

to help create a sense of parity around the table, rather than simply establishing a new seat as the focal point of the room and conversation. I explained to students why I was doing this, and they started to mix up their own seating, too.⁹⁶

Margaret Montoya, a clinician and scholar, routinely points out to her students the way the physical classroom setup reinforces certain hierarchies and patterns.⁹⁷ She wants them to see that patterns of who typically speaks and when are shaped by the environment. “I note that even though the room is designed with a half-circle seating arrangement, it is difficult for the students to talk among themselves. Their bodies are oriented toward the front of the room in order to see the eyes, hear the voice, and read the face of the professor rather than those of the other students.”⁹⁸ She uses this observation to emphasize “how silence and voice are regulated in the law school classroom; we are socialized to speak and not to speak at certain times and in certain places.”⁹⁹ By naming existing dynamics, she creates space for the students to reflect on them and, together with their professor, begin to shake things up.¹⁰⁰

The seating arrangement informs the flow of classroom conversation, where students look, and when they speak. I found that something as simple as sitting in a different seat helped shake up the dynamics and made it more natural for students to speak to each other rather than directing their comments primarily to me. I also noticed that when students began to speak more directly to each other, they also referred to each other by name more often. A student might start a sentence with, “Building on Cara’s point...” or “Andrew’s question made me wonder...” Naming each other’s contributions created good rapport in the classroom and helped connect overlapping threads in the conversation.

B. Silence

Second, and in keeping with Montoya’s observations, I tried to get more comfortable with silence. This was easier said than done. In her research on “wait time,” education researcher Mary Budd Rowe observed that “[w]hen teachers ask questions of students, they typically wait one second or less for the students to start a reply; after the student stops speaking they begin their reaction or proffer the next question

⁹⁶ See *infra* text accompanying notes 110, 121-124, noting the importance of transparency so as not to disorient students.

⁹⁷ Margaret E. Montoya, *Silence and Silencing: Their Centripetal and Centrifugal Forces in Cultural Expression, Pedagogy and Discourse*, 33 U. MICH. J. L. REFORM 263, 295-96 (2000).

⁹⁸ *Id.* at 296.

⁹⁹ *Id.*

¹⁰⁰ *Id.*

in less than one second.”¹⁰¹ Rowe highlights two opportunities for wait time: after a question is asked, and then again after a student responds—though the second wait time may depend more on the other students than on the professor, if the professor is intentionally not speaking between each student.¹⁰² In a 2012 report on gender at Yale Law School, the student organization Yale Law Women (now YLW+) encouraged faculty to “wait five seconds before calling on students” rather than “always calling on the first person who raises his or her hand,” as a way to “improve classroom interactions,” and encourage participation from a wider range of students.¹⁰³

In her work on silence in law and legal academia, Montoya emphasizes silence as an essential and even brave pedagogical tool. “Because verbal adroitness is so valued as evidence of legal ability, silence in the law school classroom can be menacing and anxiety-producing for both teachers and students. Nonetheless, teachers and students can become better communicators through a greater understanding of silence.”¹⁰⁴ She urges faculty to normalize silence, such as lulls in the conversation or pauses before answering or posing a question, and help students learn to “hear each other[']s silences and defeat the tendency to reach negative conclusions about pauses and hesitancy.”¹⁰⁵

Wait time can help teachers, too. Rowe found that teachers tend to ask more cognitively complex and demanding questions when they take a beat after a student comment to decide how to respond. As Cazden describes Rowe’s findings, “[t]eachers become more adept at using student responses—possibly because they too are benefitting from the opportunity afforded by the increased time to listen to what students say.”¹⁰⁶ The strategy is a helpful supplement to IRE-style pedagogy. For me, it was also an essential strategy for moving away from IRE because, by not instantly or automatically responding to a student’s comment, I created space for other students to respond instead. When students are “no longer restricted to responding to teacher questions,” they can

¹⁰¹ Mary Budd Rowe, *Wait Time: Slowing Down May Be a Way of Speeding Up!*, 37 J. TEACHER EDUC. 43, 43 (1986).

¹⁰² *Id.* (denoting these as “Wait Time 1” and “Wait Time 2”).

¹⁰³ YLW+, YALE LAW SCHOOL FACULTY & STUDENTS SPEAK UP ABOUT GENDER: TEN YEARS LATER 4 (Apr. 2012), <https://ylw.yale.edu/wp-content/uploads/2013/03/YLW-Speak-Up-Study.pdf> [<https://perma.cc/4DKF-8D8R>]; see also Instructional Moves, *Providing Wait-Time for Students to Process and Gain Confidence*, HARV. GRADUATE SCH. OF EDUC., <https://instructionalmoves.gse.harvard.edu/providing-wait-time-students-process-and-gain-confidence> [<https://perma.cc/8FUN-GS8J>] (last visited Jan 5., 2026) (“Waiting for several seconds after asking a question so that students, particularly introverted ones, are able to gather their thoughts before responding is proven to expand participation and improve the quality of student responses.”).

¹⁰⁴ Montoya, *supra* note 97, at 298.

¹⁰⁵ *Id.*

¹⁰⁶ CAZDEN, *supra* note 1, at 94 (characterizing Rowe, *supra* note 101, at 43).

practice four other moves that Cazden identifies as part of classroom conversation: soliciting, responding, reacting, and structuring.¹⁰⁷

Filling or managing silence often falls to the teacher. As linguists John McHardy Sinclair and Malcolm Coulthard put it, “[i]nside the classroom the single speaker is in control of the many—he decides who will talk, what they will talk about, and also acts as residual speaker, the person who is seen as responsible for dealing with silence.”¹⁰⁸ If teachers don’t immediately fill the silence, and instead model—and even name—being comfortable with silence, a quieter student may step in when it’s clear no one is going to seize the floor immediately.¹⁰⁹ In my own teaching, I have noticed that when I don’t immediately jump in, students often do, offering thoughtful framing to the whole class. Students might say, “it seems like what we are circling around is . . .” or “one perspective I think is missing . . .,” or ask a follow up question to the student who spoke most recently, such as “I’m a little confused by the last comment, can you explain what you meant?”

Waiting is not easy. Five seconds of silence in the classroom can feel like a long time; fifteen feels like an eternity. But I tried to help students feel more comfortable with silence by modeling comfort. Just as children look to their parents or teachers—and we may look to our colleagues—to gauge their reactions to an unfamiliar situation, students look to us to discern whether they are doing okay, individually and as a class. When the silence felt weird to me, I tried to acknowledge that. I explained that I was trying to become more comfortable with silence. I used phrases like “I’m resisting jumping in here,” but I also let them know that I wouldn’t let it go on forever, jumping in when I felt the silence had gone on too long.

Montoya emphasizes the value of this type of transparency as a pedagogical tool. “I have found that the silence in the classroom has a different feel once it is named for the students. Once I raise silence as a topic and analyze silence as volitional, meaningful, and culturally relative, I find that the students become more aware of silence and occasionally deploy it as a communicative strategy.”¹¹⁰ As I got more comfortable with silence, I noticed that the students seemed to feel more comfortable as well.

I found additional benefits to waiting and allowing for silence. In addition to encouraging participation, building in wait time and

¹⁰⁷ *Id.* at 95.

¹⁰⁸ SINCLAIR & COULTHARD, *supra* note 20, at 115.

¹⁰⁹ This isn’t always comfortable. Maureen Neal, reflecting on why she defaulted to IRE initially, and describing her efforts to shift toward more dialogic discourse, wrote that “it was . . . easier to evaluate a student’s response than to allow discussion to develop in an uncontrolled and unpredictable direction.” Neal, *supra* note 25, at 277.

¹¹⁰ Montoya, *supra* note 97, at 297.

modeling comfort with silence also normalizes *thinking*—thinking as in not just retrieving information, but working through a new idea and allowing your perspective to shift or take shape in real time. I am not someone whose thoughts emerge fully formed. For a long time as a student, I waited to speak until I felt confident I could articulate my thoughts clearly and precisely, at which point the conversation had often moved on. As faculty, with the benefit of more time in the field and greater control over the tempo of the conversation in my seminar, I’ve tried to break out of that habit and allow myself to think out loud. I try to name that. I might say, “I’m thinking out loud here, but I wonder if . . .” or “This makes me think of our conversation last week, though I’m not exactly sure how to articulate the connection.” I also give myself permission to try again if I say something and it doesn’t come out as I meant it to: “Let me try that again.”

Reflecting on and adjusting our teaching in real time also allows us to model for students the kind of reflection we ask of them. We can model thinking out loud, changing our mind, trying one approach and then adjusting and trying again. We need to do that if we want our students to do so too, even if it’s uncomfortable. Otherwise, we risk creating what Blaustone calls a “learning paradox,” where the teacher asks the students to do what the teacher herself cannot or will not do.¹¹¹ Though Blaustone uses this term in the context of giving and accepting feedback, the same logic holds when it comes to teaching out loud. “A teacher’s insisting that students ‘do as I say, not as I do’ will engender greater distance and a more extreme power imbalance, and will erode whatever trust the students might otherwise feel.”¹¹²

In contrast, when we think out loud with our students, we are opening ourselves “to the same kind of critical examination that the student is expected to develop.”¹¹³ This modeling “provides students with an example of the kind of genuine critical reflection we want them to engage in about themselves and their representation of clients.”¹¹⁴ In other words, it lets us model skills we hope they will maintain throughout their professional lives.¹¹⁵ Sharing with students the changes we are aiming to make, and then allowing them to see us adjust and adapt in real time, can build trust and generate more authentic conversation and creative ideas

¹¹¹ Blaustone, *supra* note 4, at 162.

¹¹² *Id.*

¹¹³ Grose, *supra* note 4, at 436 (quoting Kotkin, *supra* note 73, at 199).

¹¹⁴ *Id.*

¹¹⁵ As part of her analysis of clinicians’ decisions about whether or not to attend client interviews, Grose points out that the decision-making process is itself important, not just the end result. See Grose, *supra* note 4, at 428-29. Clinicians may “benefit from further reflection and intentional choice-making around this issue, using the very process of evaluation and self-critique that we want our students to learn and use.” *Id.* at 429.

than a class in which we only say what we're certain about and rigidly direct conversation traffic from the front of the room. Students get to see our self-reflection, intentionality, and, at times, vulnerability.

It is also a risk. In her work on silence in law and legal academia, Montoya writes that silence “carries some risk because it can create disorienting experiences that are likely to be resented by some students”—a risk that is heightened for women and faculty of color who are often already working against implicit biases about their competence and expertise.¹¹⁶ These biases and their effect on faculty and on faculty-student interactions are the focus of much of Meera Deo's work on legal academia.¹¹⁷ Just as the teaching choices I describe shape power dynamics in the classroom and clinic as a whole, they are also shaped by them. A professor's identity will likely impact how their choice to depart from traditional patterns of discourse or power dynamic lands with students, and how comfortable the professor feels making the choice to occupy a different role in the classroom, to speak less and intentionally decenter themselves as the expert—especially when expertise may be exactly what they are expected to establish by institutional norms or even student expectations.

C. *Intentional Facilitation*

Third, when I did speak, I adjusted my questions to invite more and more varied responses. Sometimes this meant making my questions more open-ended. At other moments, when I wanted to draw students into a narrower question, I would add, “Let's get a few perspectives on the table” after framing a question, so that it was clear that I wanted to hear from multiple people and didn't plan to jump in after the first response. This framing also signaled that I saw the question as one for which there wasn't only one “correct” response.

I also developed ways of jumping in without recentering the conversation on myself. I said things like, “I'm wondering if the silence means the question is unclear?” or “Do we need a break?” or “Let's each take a minute to jot down our thoughts on paper” or frame or reframe a question and ask students to discuss with the person next to them. These are forms of active learning that get students thinking and even moving around the classroom, and they can also help less vocal students warm up and get used to using their voice in the classroom.¹¹⁸

¹¹⁶ Montoya, *supra* note 97, at 272.

¹¹⁷ See generally MEERA E. DEO, *UNEQUAL PROFESSION: RACE AND GENDER IN LEGAL ACADEMIA* (2019) (sharing results of her qualitative study of race, gender, and law professor hiring).

¹¹⁸ Active learning is broadly defined as “anything that involves students in doing things and thinking about the things they are doing.” *Active Learning*, YALE POORVU CTR. FOR

Sometimes a brief comment from the professor—“anything else?” or “let’s get one or two more ideas on the table”—can get people talking. I also sometimes tried throwing out another perspective, without framing it as a direct response to the previous student’s comment, in the hopes that this would keep the conversation moving.

Another way I sometimes jumped in to invite participation without recentering myself was by “warm calling.” This is the practice of inviting someone to speak after they have had a chance to prepare a response. I found that this worked especially well when students had posted comments in advance. “This is making me think of Susan’s discussion post—Susan, I wondered if you might share what you wrote,” or “several of you wrote about this in your discussion posts, I wonder if you think about it differently in light of what Ben just said.” Keeping confidentiality concerns in mind, I also “warm called” based on questions or challenges that had come up in supervision. Faculty can also warm call by framing a question or prompt and then asking students to discuss it in pairs or small groups before sharing with the whole class.¹¹⁹

I found that interjecting when the silence no longer feels productive served two important purposes. First, it moved the conversation forward. And just as importantly, it let students know I was not abdicating my responsibility or authority in the room. I think this makes them more likely to feel that they can take risks with the new format, knowing it doesn’t rest entirely on their shoulders. Carolyn Grose put this well during

TEACHING AND LEARNING, <https://poorvucenter.yale.edu/teaching/teaching-resource-library/active-learning> [<https://perma.cc/E5E9-P6HV>] (last visited Jan 5., 2026). Dialogic discourse is one form of active learning, which brings many pedagogical benefits. Rocío García-Carrión, Garazi López de Aguilera, Maria Padrós & Mimar Ramis-Salas, *Implications for Social Impact of Dialogic Teaching and Learning*, 11 *FRONTIERS IN PSYCH.*, Feb. 2020, at 1-2. Active learning describes “activities that invite students to participate in learning, including developing conceptual awareness, applying knowledge through experience, and transferring skills across contexts.” Active learning also helps students move from “remembering and understanding to analyzing and creating.” *Id.* For specific strategies to promote active learning, see YALE POORVU CTR. FOR TEACHING AND LEARNING, ACTIVE LEARNING HANDOUT, https://poorvucenter.yale.edu/sites/default/files/basic-page-supplementary-materials-files/active_learning_handout.pdf [<https://perma.cc/TBB4-TG8G>]. For strategies focused on “getting students to participate” in class discussions, see STEPHEN D. BROOKFIELD, *THE SKILLFUL TEACHER: ON TECHNIQUE, TRUST, AND RESPONSIVENESS IN THE CLASSROOM* 89-98 (3d ed. 2015) (ebook).

¹¹⁹ This strategy might be called a “think-pair-share” or a “turn and talk.” See, e.g., *Teaching How-To: Chapter 3.3: Leading a Class Session*, YALE POORVU CTR. FOR TEACHING AND LEARNING, <https://poorvucenter.yale.edu/teaching/teaching-resource-library/teaching-how-to/teaching-how-to-chapter-3-teaching-a-2> [<https://perma.cc/XF8L-ZDFH>]; *Yale Law School Fosters a Legacy of Excellence in Teaching*, YALE L. SCH. (June 5, 2024), <https://law.yale.edu/yls-today/news/yale-law-school-fosters-legacy-excellence-teaching> [<https://perma.cc/9FNW-EGSN>] (sharing an observation by my colleague Doug Kysar that when faculty “give students that priming opportunity, a safe space to articulate their views, you get a way different discussion”).

a small group workshop at the *Clinical Law Review* workshop.¹²⁰ She noted that even though everyone in the room had experience teaching their own courses, in that particular context, we were looking to her as the designated group facilitator to initiate the conversation and structure the time. Even though she intentionally facilitated with a light touch, knowing that this was her job, not ours, allowed us to engage more fully in the workshop. I tried to bring this practice with me to my classroom.

D. Transparency

Finally, from the start, I shared with students what I was learning about pedagogy and what I hoped to achieve with these changes. I told my clinic students that I wanted to resist my own tendency to respond after each comment or center myself as the arbiter of knowledge in the room. I asked them to speak directly to each other, rather than always directing their comments to me.

I explained that my goal wasn't to stop talking entirely, and that I would still play a role in framing and keeping track of the conversation. I said I wanted them to have more space to respond directly to each other's comments, and I gave voice to my hunch that my talking between each student was preventing them from doing that as much as they could be. I noted that this change might mean more silence, which could feel weird at first, but that I didn't mind some silence. I reiterated a goal I share at the start of each seminar, and have for years: I want this to be a space where we can think out loud together. I want us to be able to share a thought that isn't fully formed, to question each other's viewpoints respectfully, even to change our minds midclass.

This kind of transparency serves multiple purposes. One is that it helps minimize the confusion students might otherwise feel if suddenly a professor who has conducted class one way for months—or years, in the case of multiyear clinics—suddenly changes their approach. Students who are accustomed to the professor responding after each student's comment may think of that response as a measure of whether the comment was good or important. They may also see it as a sign of respect to direct all of their comments to the professor, and then to give the professor time to respond before someone else speaks. Without transparency about the changes, students might devote unnecessary energy to trying to make sense of the changes in the seminar classroom—energy that would be better spent digesting the material and engaging in the conversation.¹²¹

¹²⁰ Statement by Carolyn Grose, at the Clinical L. Rev. Writers' Workshop: Legal Education Small Group (Sept. 29, 2025).

¹²¹ Neuroscience research suggests that people are more able to think clearly and creatively if they have a sense of the structure in which they are operating. See David Rock, *SCARF: A Brain-Based Model for Collaborating with and Influencing Others*, 1

There are certainly instances when a professor might deliberately make changes to the classroom without telling students, in order to serve particular learning goals. But like all teaching moves, that should be intentional. My experience is that shifting away from IRE creates plenty of productive confusion even when the professor is transparent about the changes. Students may wonder: “What is this professor doing? What am I supposed to do or say? Did we do something wrong?” But transparency about the changes shifts the confusion to a more productive “If the professor’s not automatically following up on what my classmate said, what question might I ask? What could I say in response?”

Transparency also helps maintain trust. In his work on trust in the classroom, Stephen Brookfield argues that “teachers’ ability to talk out loud about the reasons for their classroom decisions” is one factor in their ability to maintain credibility with students.¹²² He encourages teachers to “get into the habit of speaking out loud why you are introducing a particular classroom activity, changing learning modalities, choosing certain readings, demonstrating skills in a particular way, putting students in certain groups, or moving into a minilecture.”¹²³ By being honest when we make significant changes to our classrooms, we communicate to students that we value their time and presence in class, and that we take their learning and classroom community seriously. It also likely builds some goodwill in the event that the changes don’t work, or that they are ultimately successful but with bumps and awkward silences along the way. To the extent that changing our teaching approach is an experiment—and in many ways, it is—transparency enables students to feel like part of the experiment, not the subjects of it.¹²⁴

NEUROLEADERSHIP J. 1 (2008). “The brain is a pattern-recognition machine that is constantly trying to predict the near future.” *Id.* at 4. The brain “craves certainty, so that prediction is possible. Without prediction, the brain must use dramatically more resources, involving the more energy intensive prefrontal cortex, to process moment-to-moment experience.” *Id.*

Of course, “certainty” in this context doesn’t necessarily mean knowing exactly what will happen; it can mean knowing generally what to expect. “The perception of certainty can be increased even during deeply uncertain times. For example, when going through an organizational restructure, providing a specific date when people will know more information about a change may be enough to increase a sense of certainty.” *Id.* at 5. In the context of shifting away from IRE in a seminar classroom, explaining the shift to students—and naming the fact that it might feel awkward at times—offers a sense of certainty about the new patterns they will see in the classroom.

¹²² BROOKFIELD, *supra* note 118, at 61-62.

¹²³ *Id.* at 48.

¹²⁴ When I think of maintaining credibility with readers and with students, I always think of my former professor Fred Strebeigh, who taught creative nonfiction writing and journalism at Yale College for many decades. He encouraged students writing reported articles to acknowledge, subtly or directly, any unexpected turn of events or surprising turn of phrase, so as to maintain credibility with the reader. Readers look to the reporter as a guide to the story, and if the guide seems unaware of a confusing phrase or shocking turn of events, the reader loses some trust in the storyteller as a reliable and clear-eyed narrator.

Being transparent with students about changes I was making in my teaching also gave me the opportunity to set some new ground rules. For example, I shared with students the observation that they directed most of their comments to me. I made clear that I recognized that they did this both as a habit and likely a sign of respect, but I asked them to look at each other when they spoke, not always at me. I shared that if I noticed everyone defaulting to directing their comments at me, I might intentionally look away or gesture to the rest of the class as a reminder to direct comments to their classmates. Without this context, students might not feel comfortable looking elsewhere, for fear of offending me, and might also themselves feel offended if I didn't mirror their eye contact and instead looked away. By proactively explaining what I was doing, I could maintain students' trust and set myself up to solicit their feedback on these changes in the future.

IV. SEEING A CHANGE

In my writing course, shifting away from IRE gave me new tools for conveying very specific information, such as how to synthesize a rule from existing cases and apply it to a new fact pattern. In both my writing course and clinic seminar, I used these strategies to convey information that is at once straightforward and complex, such as the meaning of commonly used terms like precedent, federalism, and preemption. And in both contexts, I used it to deepen discussions about material that was more thematic than strictly doctrinal.

When I began implementing the ideas Melissa shared with me, the effect on my clinic seminar was immediate and palpable. I noticed a change within just a few class sessions. Students began asking each other more follow-up questions, referring back to each other's comments, and sharing ideas they were still developing. I soon began experiencing the richest, most student-led discussion I had facilitated in this class in a long time. Three moments in particular stood out to me:

- One student made a general comment on the reading, and another student responded with a follow-up question, asking for more detail on which passages from the readings had sparked this reflection.
- A student shared a perspective and then, after three others had spoken, reflected aloud about how those comments had changed his thinking.
- Once, midway through a seminar, I felt that we were losing the thread of the conversation and missing a key perspective. I decided to wait before jumping in, repeating the "three before me" line in my head to let students lead the way. Lorena Essak-Hernandez,

then a 2L in her first semester in the clinic, jumped in and redirected the conversation much more eloquently and thoughtfully than I could have. The comment had more meaning and force coming from her than it would have from me.

That last student, Lorena, is particularly interested in pedagogy and later worked as my research assistant for this paper. In one of our conversations, she mentioned that she remembered this particular class well. I asked her, as part of her RA work, to write down her impressions. She gave permission for me to share her name and reflection here. Of course, she wrote this reflection knowing I would read it—I asked her to write it!—so it is by no means a neutral evaluation, but I still think it provides a useful window into how students may experience shifts away from IRE and toward dialogic discussion. Lorena wrote:

Until [Emma] pointed it out, I hadn't really noticed how much we directed the conversation to her. Upon reflection, I realized that even when I was responding to a classmate's comment, I would only briefly glance at them as I mentioned their name, and then turn my attention back to Emma. This felt like an opportunity for us to grow as discussion participants just as much as for her to grow as an instructor.

When we began the experiment, it did at times feel awkward. There were silences that lingered as we looked around the room at each other. But Emma had prepared us for this. By being explicit about her intentions and noting what she expected would change, we were able to transition into the new method of conversing.

It was important that we had already built up trust with each other and with Emma, and that our norms were well established. This allowed us to lean into listening to and challenging each other. In particular, I remember one moment when the conversation started moving in a particular direction, and I felt that we had failed to consider a critical question. Instead of waiting to see if Emma would bring it up, I had already been challenged by Emma to step into her role and ask my question. It was no longer about Emma steering the conversation in the 'right' direction, but about the class really exploring ideas together. This allowed me to move from merely responding to fully engaging.

Emma continued with this strategy through the end of the semester. I noticed a shift in the class that felt a little freer

and more deeply engaged. While most of law school is spent finding the ‘right’ answer, our time in this seminar felt more like an exploration of many possible answers.¹²⁵

Lorena’s reflection captures how shifting away from IRE can empower students to, as Lorena put it, “move from merely responding to fully engaging.” Having in mind the goal of dialogic discussion, and particular tools for facilitating it, has been tremendously helpful and has animated my teaching in new ways.

To be sure, and as Lorena noted, one of the reasons these strategies worked in our seminar is likely that they built on a strong foundation of trust, such that thinking out loud felt like an actual option for me and for the students. What it looks like to build community will vary by clinic and institution, and a good portion of that work will likely take place outside of the classroom.

Hearing from students about their experience in the seminar gave me additional language to describe the changes I was trying to make. In the Fall of 2024, for example, I asked the student directors in my clinic if they would like to present at the Northeast Clinical Teachers conference. I suggested they might want to talk about student leadership in the clinic. They titled the presentation “Democratizing the Clinic Seminar,” a title that surprised me at first but then, upon reflection, made sense. In the presentation, they described how our seminar structure encourages them to “talk to one another rather than passing information through the professor like in traditional classroom settings. This way, students are empowered to share what they know and to ask their peers for help with questions.”¹²⁶

During their presentation, the students pointed out how this rebalancing within the classroom empowered them outside the classroom as well. They shared examples of new ideas they had proposed and implemented, such as an alumni mentorship program, and also described times when they looked to each other for everything from a refresher on a particular area of doctrine to another set of eyes on a memo pitching a new consumer protection case. Decentering myself in the seminar classroom helped students see each other as sources of support and expertise outside of the classroom as well.

My clinic has several practices baked into its structure to create a sense of community. Examples include meeting with all new students one-on-one at the start of the semester, pairing incoming students with

¹²⁵ Written reflection by Lorena Essak-Hernandez (Aug. 14, 2024).

¹²⁶ Otelo Reggy-Beane, Danny Rodriguez & Joe Servidio, Presentation at the New Eng. Clinical Conf. at U. Conn Sch. of L.: Democratizing Clinical Education through Student Leadership (Nov. 8, 2024).

returning clinic students as mentors, and, where possible, putting a mix of new and returning students in each working group. We also have student directors each semester who help set the tone for the clinic, plan social events, and keep an eye out for new students. Often it's a student director who convinces a new student to come to me with a question or concern, or who serves as an initial sounding board for a tough research question or interpersonal dynamic.

In the writing context, I had much less time to build this culture, since the course runs for seven weeks, start to finish. But there's still plenty I could do. Before the first class, for example, I asked students to write a single-page reflection describing a teacher who was meaningful to them. This was in part a diagnostic exercise, to give me a sense of students' writing skills coming in and their voices as writers when not constrained by a new foreign form of legal writing. But I also used their writing to set the tone in the first class. I pulled out one line from each paper, compiled them, and read them aloud—anonymized—on the first day. I said: “This is what good teaching can look like, and this is the standard you should hold me to.” I also tried to demystify legal writing, both by teaching in a clear and methodical way, but also by saying aloud: “This is hard, but it is learnable. You will grow if you put in the time.”

Over time, I have found that my approach shifts based on what I'm teaching. For example, I may intentionally use IRE more when I'm first teaching students about CREAC (Conclusion, Rule, Explanation, Application, Conclusion), a common approach to structuring legal writing that is likely completely new to any student who didn't work as a paralegal before law school.¹²⁷ Or I might use IRE when teaching 1Ls how to synthesize a rule from caselaw. That lesson falls during the first week of classes and forms the basis for their first writing exercise, so it is something I must teach quickly and clearly. IRE can be a useful way to convey new information and check for basic understanding, which can be helpful when I'm short on classroom time and students don't necessarily have the foundation yet to play that role for each other. But even in those circumstances, IRE might be limiting as a pedagogical tool. With enough classroom time, I can also imagine creative ways to help students reason through rule synthesis in conversation with each other. The bottom line is this: I try not to make IRE my default, and I try to shift flexibly and intentionally away from this default pattern in any teaching context.

¹²⁷ See COLUM. L. SCH. WRITING CTR., ORGANIZING A LEGAL DISCUSSION: IRAC / CRAC / CREAC, <https://www.law.columbia.edu/sites/default/files/2022-06/WC%20Handout%20IRAC%2C%20CRAC%2C%20CREAC.revised%205.22.pdf> [https://perma.cc/R4J2-FE7Q] (last visited Jan 5., 2026).

CONCLUSION

As with all parts of teaching, this is an ongoing process. In my clinic seminar the year after I first learned about and tried moving away from IRE, my new strategies didn't seem to work as well as they had the year before. Unlike in the 2023 seminar Lorena described, the silences in the first few class sessions in 2024 felt more confused than productive. I started to wonder if I was providing too little framing, and leaving students—many of whom were engaging with the topics of the class for the first time—unsure how to participate.¹²⁸ On an anonymous midsemester feedback form, one student wrote that they would “benefit from a bit more structure and instructor participation in class discussions,” noting that the discussions felt unwieldy. This observation matched my own, which concerned me.

On the other hand, I'm still not sure how much to factor students' potential discomfort with silence into my decision about how long to let it last. Part of our job is to teach students to tolerate and navigate uncertainty, so that they can figure out where to look for answers and also learn to discern whether they're facing a search for a findable answer or a tricky judgment call. Ann Shalleck's work on supervision emphasizes that one of the goals is to help students see uncertainty as part of the work—a reality, not a shortcoming—and build their tolerance for navigating uncertainty.¹²⁹ “In order to feel competent and in control, students often wish to find the answer, to master the way of performing a task.”¹³⁰ This creates a challenge but also an opportunity for the teacher, who “can help students identify, at particular points, why uncertainty is important.”¹³¹ Transparency about this, she notes, can also serve student learning: “Making explicit the intellectual task may help some master it.”¹³²

Relatedly, another realization I had in my 2024 seminar, the one that felt somewhat unwieldy, was that many of our conversations that semester circled around the same answer: it depends on the context. For example, we might discuss the appropriate scope of injunctions, or when a city might decide to make arguments in one case that could undermine its position in another, without arriving at a fixed answer. That can be frustrating. But it is also, I decided, accurate, and reflective of the work of lawyering—uncertainty *is* important. Part of what practicing lawyers must do is think through unanswerable questions and, when needed,

¹²⁸ See generally Kotkin, *supra* note 73, at 194 (arguing that putting students immediately in role doesn't serve all learners, some of whom do better when they can observe faculty in role first).

¹²⁹ Shalleck, *supra* note 4, at 161.

¹³⁰ *Id.* at 159.

¹³¹ *Id.* at 161.

¹³² *Id.*

make a decision and move forward, knowing that any choice is imperfect and context dependent.

In 2024, in other words, I faced what Susan Bryant and Elliott Milstein describe as a “choice moment”—a moment of uncertain direction not unlike what my students would face at various moments in their cases.¹³³ I share my response here not because I’m certain it was the right one, but because it’s the choice I made. In the next class after the midsemester evaluations, I shared with my students my own reflection: That in an effort to create space for them to talk, I had done too little to convey foundational concepts and offer them ways in, such as by starting class with my own reflections on the readings or by asking specific questions rather than a more general, “What did you think?”

I also shared my reflection about the reality and stakes of unanswerable questions. I wanted my students to know that I wasn’t hiding the ball—that with some topics, there is no ball, just a collective effort to put the various considerations on the table and, when needed, work toward a decision or set of decisions in the case or matter at hand.¹³⁴ Many students had seen this already in their fieldwork, but making the connection more overt in seminar helped reanimate the conversation.

I also felt this latter comment might have particular weight coming from me, based on my longstanding experience in the clinic and birds-eye-view of the range of matters students were working on. As opposed to other comments I considered making and then decided not to, I made this one both because no one else had made it and because I was perhaps better situated than a student to draw some of these connections. Then I waited to hear what everyone else had to say.

¹³³ Bryant & Milstein, *supra* note 6, at 226 n.84, 246.

¹³⁴ Of course, sometimes there is a single correct answer, and faculty need to make considered and context-dependent decisions about when to simply answer a question about, say, local court rules, rather than guiding students toward finding that answer themselves. *See also* Shalleck, *supra* note 4, at 162 (noting that one way to respond to students’ frustration over a professor hiding the ball is to “make the conflict itself an explicit focus for a supervisory dialogue”).

