

**The Beckerman-Rodau Method:
A New Approach to Teaching Law**
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A recent experience I had in class suggests the possibility that reading assignments do little more than cloud students' minds and inhibit their capacity to think and analyze imaginatively and freely. The experience dictates that we assign no outside work and simply require that students come to class well rested and in an alert state.

I doubt that the experience I had is unique. It occurred in my basic corporations class as I started to cover insider trading under Rule 10b-5. After some introductory remarks about securities regulation, I initiated a discussion of the *Texas Gulf Sulphur* case, which had been assigned for that meeting. After a few minutes it became apparent that most of the students had not read the case. One helpful student volunteered that although he had not read the case for class, he was planning on reading it in the future. Needless to say this was not encouraging. I was only ten minutes into a seventy-five-minute session.

After performing a short stand-up routine, I presented some extemporaneous hypotheticals based on the facts of *Texas Gulf Sulphur*. Students volunteered readily and participated in a free-wheeling discussion of the hypotheticals, which focused on the underlying purpose and intent of securities regulation. Additionally, they made ample reference to Rule 10b-5, which was reproduced in their case books (luckily they brought their case books, even though they had not read them). To my utter amazement the level of discussion was excellent; many of the issues that *Texas Gulf Sulphur* raises were addressed and discussed by students in an intelligent fashion.

After class I recounted to one of my colleagues the unusual class experience that had just transpired. Yes, perhaps the level of participation could be attributed in part to student guilt over being unprepared. Then again, perhaps I had discovered a new pedagogy. This new approach - prohibiting students from preparing for class - would raise interesting problems. I would have to abandon my current practice of penalizing students for being unprepared. In fact, it might be necessary to penalize students who dared to commit the sin of preparing for class. I might even have to bar the students from purchasing case books, since they might be unable to resist the temptation to read them.

The library would pose a difficult problem. Access to a fully stocked law library is necessary when students write research papers, perform clinical work, and clerk for local attorneys. But what if students were tempted to sneak a look at cases relevant to that day's class discussion? One solution might be to carefully monitor student use of the law library. Students would have to provide proof they had a need to use the library. The library staff would have to be vigilant to insure that some misguided student did not enter the library merely to study the case law in an area related to his or her course work. Of course, library staff probably would be unable to monitor all students activities, so law schools would need to hire library police to control access to library materials.

If budget constraints preventing employing library police, an alternative approach could be used. Professors would keep secret the topics they planned to discuss in a particular class. Professors would vary the order of the topics every time a course is taught so it would be difficult for students to prepare for class in advance. This might create a new student pastime - predicting what topic a professor would cover in a particular class. Highly intellectual law professors would be no match for such subversive students. To render student prediction impossible, entirely different topics could be presented each year. Leading law schools (i.e., the forty law schools that are among the top ten schools) might even take a more innovative approach to foil any attempts at advance class preparation. Although class times would be scheduled for each student, the students would not be told what subject or professor would appear at each class meeting. On any given day, torts, contracts, civil procedure, constitutional law, or criminal law might be discussed. This would insure that even the most enterprising student would be unable to prepare for class in advance.

The Beckerman-Rodau approach has a potential that is Langdellian in scope - it could revolutionize legal education. The basic premise of this new approach - that students must be unprepared for class - insures widespread student acceptance. Of course, a few students will persist in being fully prepared for class by reading the relevant case law, law review articles, and hornbooks. Such students will have to be neutralized, and if necessary they may have to be dismissed from law school on disciplinary grounds.

Some may scoff at this new approach. Keep in mind, however, that many scoffed when the Socratic method was first introduced. The Socratic method requires virtually no preparation or knowledge of the law on the part of the professor. The professor needs to know only two questions: "What do you think?" and "What is the counter-argument to the argument presented by student Jones?" Just imagine using the Beckerman-Rodau approach in conjunction with the Socratic method! Neither the professor nor the students would need to waste time preparing for class or learning the law. Law faculty scholarship and consulting could increase geometrically. Students could pursue law clerk positions without being concerned about allowing time to prepare for class. Such an approach should surely be given serious consideration by law faculties.