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Student Stories

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STUDENT STORIES

Elizabeth M. Schneider*

This is not so much a story about my own life, but an explanation of why I use stories from my students to help me teach and get to know them. Maybe it really is a story about my own life as a law teacher and my desire to find the right balance of connection to and with my students. I am uncomfortable with anonymity in the classroom and I have my students write stories in order to know more about them.

I began my legal career as a civil rights and women's rights lawyer at the Center for Constitutional Rights ("CCR") in New York. I had gone to law school to do this work and felt incredibly lucky to work at CCR starting with my first summer as a law student and then continuing for seven years as an attorney. This was 1971, and the mantra of the women's movement was "the personal is political." I started to teach Women and the Law as an adjunct professor at Brooklyn Law School with my colleague from CCR and friend, Rhonda Copelon, in 1974, right after I graduated from law school, and it was very important to both of us to get to know our students (particularly since I had just been a student). Loving law teaching, I moved into teaching full-time in 1980 as a Staff Attorney in the Constitutional Litigation Clinic at Rutgers Law School-Newark where I worked very closely with students. Then, wanting to teach a wider range of students and have employment security (and perhaps influenced by the lack of clear teacher-student boundaries faced by clinical teachers), I moved to classroom teaching at Brooklyn in 1983. I began by teaching both Civil Procedure and Constitutional Law in my first year.

Teaching large classes in major first-year courses was a big leap for me, but I had always enjoyed being in "performance mode," having done both trial work and appellate litigation. After three years of clinical teaching, I think I enjoyed the move to large classes and some distance from my students. But the greater anonymity of large classes soon got to me, and I found myself wanting to know more about them. Continuing to teach Women and the Law and then moving on to teaching Battered Women and the Law, I assigned students to write "reflection papers" during the course of the semester and then "issue papers" on a weekly or bi-weekly basis. Despite my espousal of the need to "mainstream" the feminist/critical/clinical/experiential pedagogy that has encouraged student reflection papers,¹ I did not use them in my first-year Civil Procedure class (of forty students in a "seminar section") until two years ago. Now I also have my first-year students write "journals" during their first semester.

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¹ Many other law teachers have used similar methods and written about them. See generally Charles R. Lawrence, *The Word and the River: Pedagogy as Scholarship as Struggle*, 65 S. CAL. L. REV. 2231 (1992); J. P. Ogilvy, *The Use of Journals in Legal Education: A Tool for Reflection*, 3 CLINICAL L. REV. (1996). I have previously described my use of reflection papers in my first Battered Women and the Law class at Harvard Law School in 1991 and excerpted some of them in Elizabeth M. Schneider, *Violence Against Women and Legal Education: An Essay for Mary Joe Frug*, 26 NEW ENG. L. REV. 843, 855-63 (1992).

I really enjoy reading all of these papers. I look forward to thinking about them and getting to know the students through what they write. For the “reflection papers,” I suggest to students that their paper should be non-legal, and that they should write anything they want: a story, a poem, something about their lives. The papers that I get are mostly not fictional stories (although I have received fiction and poems from students), but stories from their lives. Many students have written amazing papers, papers that are moving, insightful and funny. Sometimes they find their “writing voice,” and this is very empowering and satisfying to them. When I think about why these papers are so important to me, it has something to do with getting to know them better, and my appreciation of the power of their stories. These students are writing about their lives and experiences, and at the same time, telling me so much about themselves.

I recently read the title of a book called *Listening Is an Act of Love*, which describes StoryCorps, a national oral history project,² and the phrase really touched me. It struck me that there was some connection between this phrase and why I ask my students to write these papers. Of course, I encourage students to come see me to talk, and I listen if students talk to me about any problems or career choices that they face in their lives. I hope that all law teachers do that. I think that this kind of listening is an act of respect, of being present, and yes, an act of caring. But I ask my students for these reflection papers and journals because I want to listen more, to know more about who they are. I ask them to tell me stories so that I can listen to and hear them, because I want to encourage them to be themselves, to tell their stories, and because I think that telling stories is what law is so often about. I also want them to know that I care about who they are as people, above and beyond their status as “law students.” I want to encourage them to continue to be feeling, thinking, reflective people even as law school often anesthetizes their critical and human capacities. Finally, I want them to understand that there is both “reason and passion,” intellect and feeling, in the law.³

Of course this process of asking them to reflect can be risky. In these papers, students tell me details about their childhoods, about their adult lives, about relationships with parents, siblings, partners, and friends, or describe workplace or academic problems that are hard to hear, and sometimes more information than I want to know. Often they tell me anecdotes in the third person—by attributing them to a friend or someone else they know—and I suspect that the stories are really their own. They tell me about abuse, hardship, confusion, connection and joy. Whatever they tell me is private, just between us, and I assure them of that privacy (luckily I have never had any student tell me

² DAVE ISAY, LISTENING IS AN ACT OF LOVE: A CELEBRATION OF AMERICAN LIFE FROM THE STORYCORPS PROJECT (2007) (describing the StoryCorps project, a national oral history project that has recorded stories from many Americans).

³ Justice Brennan’s famous lecture, *Reason, Passion and “The Progress of the Law,”* 10 CARDOZO L. REV. 3 (1988), highlights the importance of both reason and passion in the law. See also Martha L. Minow & Elizabeth V. Spelman, *Passion for Justice*, 10 CARDOZO L. REV. 37 (1988) (discussing Justice Brennan’s speech).

that they have committed a crime!). There is often little that I can do in response to the hard things that they tell me. But sometimes, just a comment to a particular student at the end of class, acknowledging what the student wrote about, or encouraging that student to come see me if he or she wants to talk more, can be a way of listening that I hope is useful and can open the door to some help and contact.

I don't want to overplay this role. I am neither a counselor nor a therapist and opening the door to the expression of personal feelings by students can often be problematic. This is not the primary job that I took on as a law teacher and I certainly have no special skill for it. Sometimes I also want to be able to cut off connection (with both students and colleagues) and close my door and read and write. But I hope that having this more human realm in which my students and I relate through their stories is helpful. My listening to their stories is intended to be an act of caring, and I hope they know that.

