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Getting the Most Out of the Last Five Minutes of Class

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I. Introduction

ABA Standard 303 requires accredited law schools to offer a curriculum in which students complete one or more experiential courses totaling at least six credit hours.¹ ABA Standard 304 defines and sets forth the requirements for experiential courses, including the requirement that law schools provide opportunities for student performance, self-evaluation, and feedback.² Over a three year period, a colleague and I modernized the so-called “minute paper” to create an easy-to-implement tool for providing students with regular opportunities for self-evaluation— in under five minutes!³ Called the 3-2-1 Classroom Assessment Technique (“3-2-1 CAT”),⁴ it maximized the last five minutes of our class, and instructors can use it in any type of course. This article discusses the benefits, drawbacks, and lessons learned using this exercise in a Law Practice Technology course.⁵

II. The Method

3-2-1 CAT provides students with a framework for reflecting on their comprehension of course materials and encourages them to think about how

they may employ what they learned in the future.

⁶ In our course, we required students to respond briefly in writing to the following statements during the last five minutes of each class:

- (1) List *three* things that you learned;
- (2) List *two* things that are still kind of confusing; and
- (3) List *one* way you will apply what you learned.

If we ran out of time to do 3-2-1 CAT in a given class, we posted the exercise online after class and gave students up to two days to respond. Whether completed inside or outside of class, the students were told to spend no more than five minutes on the exercise. Completion of 3-2-1 CAT was part of the overall class participation and professionalism score, and students who did not complete it lost points in that portion of their course grade.

In 2017, our first year using 3-2-1 CAT, we provided students with a handout for writing and submitting their responses at the end of class. In 2018, we utilized the quiz functionality in our course management system, TWEN, to allow students to submit their responses online. While handwritten responses ensured that students turned in the exercise before leaving class, the online collection method made it much easier for us to view and compare responses to a question. In 2019, we utilized an electronic survey platform, Springshare’s LibWizard, to collect responses over the course of the entire semester, which allowed us to better filter responses by student and by topics.

III. 3-2-1 CAT Benefits

While 3-2-1 CAT does not assess if a student has mastered a given concept or skill, it does provide many benefits that will enhance a variety of courses, including legal research and legal writing courses.

¹ ABA STANDARDS & RULES OF PROCEDURE FOR APPROVAL OF LAW SCH. 303(a)(3) (2019–2020).

² *Id.* at 304(a)(4).

³ For more discussion on the “minute paper,” see Herbert N. Ramo, *Moving Students from Hearing and Forgetting to Doing and Understanding: A Manual for Assessment in Law School*, 41 CAP. U. L. REV. 837, 873–76 (2013); see also Jodi S. Balsam, Susan L. Brooks & Margaret Reuter, *Assessing Law Students As Reflective Practitioners*, 62 N.Y.L. SCH. L. REV. 49, 51–52 (2018).

⁴ MELISSA BOWLES-TERRY & CASSANDRA KVENILD, CLASSROOM ASSESSMENT TECHNIQUES FOR LIBRARIANS 66–69 (2015).

⁵ The Author co-taught this course with Professor Nichelle Perry at North Carolina Central University School of Law from 2017–2019. The topics covered in the course included E-Discovery, Legal Analytics, Microsoft Word, and Practice Management Systems.

⁶ See BOWLES-TERRY & KVENILD, *supra* note 4, at 66–67.

“3-2-1 CAT provides students with a framework for reflecting on their comprehension of course materials”

First, this exercise provides students with an opportunity to proactively identify areas of concern prior to completing more formal formative or summative assessments. Since 3-2-1 CAT is ungraded, has no right or wrong answers, and is merely a tool to provide student feedback to the instructors, students will not feel excess pressure or alarm when completing it. Instead, we found that students were very open to identifying and confronting their challenges. This helped empower the students to take ownership over their own learning outcomes in the course.

Second, the open format of the exercise allows students to bring forward questions or concerns from all aspects of the course, including in-class discussions, assignments, and readings. During the three years we used 3-2-1 CAT, we received many responses about topics from the readings that we did not get to in class. Opening up 3-2-1 CAT to the full set of course materials provided us with the opportunity to identify all areas of confusion and address them in class as needed.

Third, brief student responses enable instructors to review the responses quickly, which allows for a fast turnaround time in addressing student issues and concerns.⁷ There were many times when we had to take a step back and spend more time on a topic than planned due to the student responses from 3-2-1 CAT. The ability to do a quick review of the responses allows instructors to adjust their course plans if more time is needed to cover a topic, which is valuable for novice and experienced instructors alike. This also benefits the students by enabling them to have a more active role in the delivery of course content.

Fourth, 3-2-1 CAT allows instructors to more easily identify trends and outliers within the class, including flagging individual students who are struggling before they fall too far behind. For students who needed more assistance, either with the course as a whole or with certain subject matter, we intervened in the form of individual meetings with them and recommendations for additional resources to assist them, such as articles or videos. If the majority of

the class seemed to be struggling with a given topic, we provided explanations and additional review at the beginning of the next class period and posted supplemental resources and explanations to our course management system. Such situations also provided us with valuable feedback on how well we communicated the material. If the majority of students were struggling with a topic, we, as instructors, were able to reflect on how to better present the topic in future semesters.

Fifth, 3-2-1 CAT helps satisfy ABA Standard 304's requirement that experiential courses provide students with opportunities for self-evaluation. Much like the journaling assignments or reflection papers often used in clinical offerings and legal writing courses, 3-2-1 CAT requires students to step back and reflect on their experience. Not only do students identify current areas for improvement, but they must also consider how they will apply what they have learned in the future. This requires the students to make a connection between what they learned in the classroom with how they expect to use it in practice.

IV. 3-2-1 CAT Drawbacks and Lessons Learned

While 3-2-1 CAT provides many benefits for students and instructors, it does have some potential drawbacks that instructors must consider and address in order to see the full benefits of the exercise.

First, in order for 3-2-1 CAT to work effectively, students must buy into the method and take ownership over their learning outcomes. As an ungraded exercise, some students may dismiss 3-2-1 CAT out of hand or provide unproductive responses. To help combat this, instructors should provide clear explanations about why they are using 3-2-1 CAT and then actively incorporate the student responses they receive into subsequent classes. By doing so, students will see the *present benefit*—instructors making adjustments in real time to help students—as well as the *future benefit*—how taking time to self-reflect can help them identify and resolve areas of concern or confusion as quickly as possible. In our course, we also made a connection for students between the type of self-reflection they did with 3-2-1 CAT and the type of self-reflection they will need to employ as practicing attorneys when determining if they are competent to take on

“... 3-2-1 CAT allows instructors to more easily identify trends and outliers within the class ...”

⁷ See Terri LeClercq, *Principle 4: Good Practice Gives Prompt Feedback*, 49 J. LEGAL EDUC. 418, 421 (1999); Ramy, *supra* note 3, at 852–53.

“[The exercise] . . . helped our students learn the importance of self-reflection, which they will need as practicing attorneys”

a client matter under Rule 1.1.⁸ Just as students need to be able to identify and admit when they are struggling with a concept, practicing attorneys need to be able to admit when a matter is outside their capabilities or requires more deliberate training, as can often be the case with technology competence.

Second, as referenced earlier, 3-2-1 CAT is not an objective measure of whether a student has grasped a skill or core concept in the course. Instead, it is an exercise that relies entirely on the students' self-perception about how well they understand the material. As such, it may not be as effective in measuring student comprehension as a more objective exercise. That's because students, like most novices, often have great difficulty accurately assessing how well they understand the material. Therefore, it is important for instructors to understand this limitation and know that effective employment of this exercise requires its use *in conjunction* with other assessment tools that measure student comprehension more objectively. Ideally, an instructor should compare responses on 3-2-1 CAT with a student's performance on formative and summative assessments in the course to see if the student had indeed accurately flagged areas of confusion or concern.

Third, even with the brief student responses typical of the 3-2-1 CAT exercise, it may be difficult for instructors to stay ahead of the feedback in order to provide timely follow-up to larger classes or ones that meet multiple times a week. Therefore, if class size or frequency is an issue, it may be wise to consider implementing one or both of the following strategies: (1) assign the exercise less frequently, such as at the end of the week, or after finishing a topic or course unit, or (2) utilize a teaching assistant who can review the responses for trends the instructor can address. After using 3-2-1 CAT for two years, we determined that we needed to scale it back in order to more effectively address student questions. The risk

is that if instructors are not responsive to student feedback because they cannot keep up, they will lose credibility with students or, worse, students may come to resent the exercise or the instructor. Thus, starting in 2019, we used 3-2-1 CAT only at the end of a unit, which was after every two class periods in our course. Our course met on Mondays and Wednesdays, so using 3-2-1 CAT during the last five minutes of each Wednesday class gave us sufficient time to collect, review, and address responses prior to the next class the following Monday.

Fourth, students noted in our 2018 course evaluations that they often felt obligated to provide full responses to each of the 3-2-1 CAT questions, rather than restricting their responses to no more than five minutes. For example, for certain topics, multiple students noted that they did not always have two items to list for areas of confusion. To address this, we prefaced the 2019 exercise by telling students that we wanted responses up to the stated number. This took the focus away from filling out the exercise just to get it done and put the focus back on providing us with the information we needed and giving the students the benefits of a meaningful self-reflection process.

V. Conclusion

For three years, we used 3-2-1 CAT as a simple self-reflection exercise to help us identify where students were struggling in our Law Practice Technology course. 3-2-1 CAT enabled us to respond to student concerns in a timely manner and identify trends and outliers in the course. In addition, it helped our students learn the importance of self-reflection, which they will need as practicing attorneys and throughout their legal careers. Just as importantly, 3-2-1 CAT provided valuable feedback to the instructors on how effectively we were delivering the course material, allowing us to take corrective action to address student confusion and to improve the course going forward. While instructors should not use this exercise to gauge student mastery of topics or skills, it can serve an important role in empowering students to take responsibility for their own learning and teach them how to engage in meaningful self-reflection.

⁸ MODEL R. PROF'L CONDUCT 1.1 (AM. BAR ASS'N 2016) (Rule 1.1 states that "A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.").