Click & Learn: Civil Procedure
Teacher's Manual

Table of Contents

I. Civil Procedure Made Easi(er): An Overview of Click & Learn

A. Overview

Click and Learn: Civil Procedure (C&L:CP) is a completely online, self-instructional learning tool, addressing all major topics in Civil Procedure in a comprehensive and thoughtfully structured manner. C&L:CP makes a traditionally challenging and non-intuitive topic for law students more accessible, but without taking short-cuts to learning.

C&L:CP is a unique resource that harnesses the best of technology and of active learning theory to help students learn at their own pace. Students can obtain immediate and detailed formative assessment, including why answers were incorrect to deepen understanding. Moreover, C&L:CP has more questions - over 2000 - and a greater variety of questions (from beginner to mastery level), than any other current commercially available product. All students using C&L:CP can master Civil Procedure, whether they start from novice level or higher levels of mastery.

C&L:CP is highly adaptable. It can be used with any Civil Procedure class using any casebook. Moreover, faculty can either recommend students complete C&L:CP on their own, or alternatively, faculty can integrate it with required assignments. For interested faculty that adopt C&L:CP, there is a wealth of data available regarding student performance that can be used to optimize class time and/or to identify students in need of additional assistance. Moreover, as noted in Part IIIC, there are detailed guides for faculty that want to see which section(s) of C&L:CP correlate with their coverage in some common casebooks.

B. How C&L:CP Minimizes the Challenges to Learning (and Teaching) Civil Procedure

C&L:CP is a very different approach from existing casebooks, treatises and commercial supplements. It is designed to address problems that we as civil procedure teachers have ourselves often faced.

Increasing Student Understanding and Engagement

Consistent with empirical studies showing improved learning if students are actively engaged, C&L:CP challenges students to complete increasingly difficult levels of questions. The many different types of questions – including not just traditional MC, but also Drag and Drop, and questions that enable students to play the professor ensure student engagement. Indeed, we have had students tell us that they find using C&L:CP to not just be engaging, but a treat they give themselves after completing more traditional assignments.

C&L:CP is designed to complement the traditional case-based approach that often inadequately addresses all nuances that students must know. After all, a single case often highlights just one or two aspects of the rule, whereas there are often many other issues that students need to know, but for which cases generally will provide no guidance. C&L:CP provides step-by-step guidance to students on how to read cases, statutes, and rules through active learning principles. Moreover, not only does C&L:CP provide guidance to understanding key cases and rules covered in most classes, the questions are intended to provide students with a model of how to approach reading and interpreting cases and rules on their own. Unlike some commercial supplements that aim to simplify to the point of spoon-feeding inaccurate concepts, C&L:CP is intended to supplement, rather than short-change, the learning process.

Helping Students Connect Topics

C&L:CP also addresses a common issue for Civil Procedure students – seeing how major topics relate to one another. Notably, this can be an issue even after students succeed in mastering individual cases or even topics. In addition to an introductory Unit that can be assigned to give students an overview of basic principles, C&L:CP provides numerous "Study Tips," as well as active hyperlinks that connect key topics. C&L:CP also provides a Synthesis section for each of ten major topics that enables students to integrate the concepts within a particular topic; so, for example, the Preclusion Unit enables students to integrate all issues involving preclusion, including claim and issue preclusion, as well as the related concept of compulsory counterclaims. Moreover, there is an entire Unit on combining concepts that may seem disparate to students such as joinder and preclusion, and all of jurisdiction (SMJ, PJ and Venue). All of these resources should help prepare students not only for law school exams, but also for legal practice where single issues do not appear in isolation.

Assisting with Issue Spotting and Essay Exams

C&L:CP also helps students identify how to spot the relevant Civil Procedure issue(s), as well as demystify how to approach essay exams. For example, in the Joinder Unit, students are asked which question prompts would require discussion of which joinder rules. In addition, for the many students who are learning Civil Procedure in the first semester and thus have no prior law school exam practice, C&L:CP provides step by step instruction on how to approach essay questions. So, for example, in both the PJ and SMJ Units, students can obtain guidance not only on spotting relevant issues and rules, but also on identifying a strong versus weak answer. This is of course not meant to substitute for individual faculty guidance.

Assisting All Types of Students

The multitude of questions and methods ensures that C&L:CP can assist all students. In particular, whereas weaker students may want to methodically start with easier questions, stronger students can immediately start with the harder Practice Makes Perfect and Synthesis questions. A more advanced student could start with Synthesis Recap questions, and if these seem easy move on to the toughest Synthesis Application questions. Alternatively, if these questions are too hard, the student can easily return to easier questions.

Optimizing Limited Class Time

C&L:CP also addresses some recent developments that encroach on class time. In particular, there are practical pressures from law firms wanting "practice-ready" students at the same time that many schools are shrinking the number of credits allocated to classes. Moreover, recent students may be academically weaker than past students and can be distracted in class if they have internet access, further compounding comprehension problems. C&L:CP helps with all of these issues. C&L:CP can provide more skills and save valuable class time by enabling students to learn on their own outside of class. C&L:CP covers not just substantive material, but also provides guidance on real world applications as well as exam preparation. For example, there are questions that require students to identify whether a complaint is properly drafted in terms of format, as well as in compliance with "Twiqbal." Similarly, there are questions that teach and test all phases of discovery.

Assisting Compliance with ABA Standards

Although we began developing C&L:CP long before recent changes ABA rules regarding legal education, C&L:CP helps to satisfy these rules.[1] The ABA requirement that students have a 2:1 ratio for working on materials outside the class can be easily satisfied with the detailed data provided to faculty who adopt C&L:CP.[2] Moreover, the ABA requires formative assessments that not only measure student learning, but provide meaningful feedback.[3] C&L:CP easily achieves this for Civil Procedure students since it is designed to provide extensive formative assessment and feedback. Moreover, C&L:CP data can be used to help schools satisfy the ABA requirement of ongoing evaluation of the program of legal education and learning outcomes since C&L:CP data can identify individual student learning competencies in Civil Procedure.[4]

In addition, given the recently liberalized rules concerning distance learning, C&L:CP could be especially useful to schools that want to enhance distance learning. Since C&L:CP is designed to be self-paced and simulate in class Socratic dialogue, questions could be assigned to students to complete as part of instructional minutes. Although we do not recommend relying solely on C&L:CP for teaching outside the classroom, we do believe that C&L:CP could be especially helpful for keeping students actively engaged in distance learning settings. Indeed, we have had some students note that they prefer the interactivity of the questions provided over video lectures that only passively provide information.

II.   The Details

A. Topics Covered

C&L:CP covers most topics that are assigned in either a single semester or two-semester civil procedure course. It can be used with a 3 , 4, 5, or 6 credit course(s) and will work in a continuing course where students previously had a different professor; the authors have used C&L:CP for a variety of course types at three different schools. The topics covered, by C&L:CP are:

- Unit 0: Basic Skills And Fundamentals For Your Civil Procedure Class
- Unit 1: Personal Jurisdiction
- Unit 2: Notice and Service
- Unit 3 Subject Matter Jurisdiction
- Unit 4: Venue (& Transfer of Venue)
- Unit 5: Pleadings, Rule 12 Motions, Amendments and Rule 11
- Unit 6: Joinder of Claims and Parties
- Unit 7: Discovery
- Unit 8: Motions and Trials
- Unit 9: The Erie Doctrine
- Unit 10: Preclusion

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[1] ABA Standard 314 ("A law school shall utilize both formative and summative assessment methods in its curriculum to measure and improve student learning and provide meaningful feedback to students.").

[2] ABA standard 310 (requiring "not less than one hour of classroom or direct faculty instruction and two hours of out-of class student work per week for fifteen weeks, or the equivalent amount of work over a different amount of time" per credit hour).

[3] ABA Standard 314 ("A law school shall utilize both formative and summative assessment methods in its curriculum to measure and improve student learning and provide meaningful feedback to students.").

[4] ABA standard 315 ("The dean and the faculty of a law school shall conduct ongoing evaluation of the law school's program of legal education, learning outcomes, and assessment methods; and shall use the results of this evaluation to determine the degree of student attainment of competency in the learning outcomes and to make appropriate changes to improve the curriculum.").

- Unit 11: Combining Concepts
  - Picking a Court (SMJ, PJ and Venue)
  - Advanced Joinder, SMJ and Preclusion

As discussed in more detail later, each of the Units has a detailed Table of Contents.   There is a downloadable version of Table of Contents available to faculty.

B. Organization of Units

C&L:CP is designed so that faculty can use it with any order they choose; no Unit presumes understanding of any other topic except for the Combining Concepts Unit that is designed to help students see how major topics work together.

Each Unit of C&L:CP stands alone such that C&L:CP can be used for courses that start with any topic, including the two major variations of jurisdiction (either PJ or SMJ), as well as pleadings. So, for example, the chapter on supplemental SMJ is written in a way that does not assume prior knowledge of joinder rules. Indeed, the co-authors have taught Civil Procedure in different orders with equal success. In addition, students using C&L:CP have been assigned portions from different Units without any problem. Since individual discrete subunits can be assigned, C&L:CP has extreme flexibility.

Each Unit has at least one Part. When there are multiple Parts (which is true for major topics like PJ, SMJ, Joinder, Pleadings etc.), each Part has its own Table of Contents. So, for example, PJ has 7 Parts; individual Parts focus on traditional methods of PJ, International Shoe, General/At-Home Jurisdiction, modern cases (Burger King, Walden, Asahi/McIntyre), as well as exam tips.

Within an individual Part, are Chapters, as well as sections in Chapters, sometimes with sub-sections. For example, here is a portion of one Chapter from Part 3 – Party Joinder (of the Joinder Unit) that includes some sub-sections on Rule 19:

Chapter
▶ I. Big Picture For All of the Party Joinder Rules - FAQs
▶ II. Plaintiff's Permissive Party Joinder under Rule 20
▶ III. Defendant's Permissive Party Joinder Under Rule 14 Third-Party Practice (Impleader)
▼ IV. Rule 19 Required Parties
▶ A. Big Picture - FAQs and an Easy Guide to Rule 19
▼ B. Reviewing the Text of Rule 19: Finding the Three Steps
1. Reviewing the Text and Structure of Rule 19 by Highlighting its Text
2. Testing your Understanding of the Text and Structure of Rule 19
C. Learning Rule 19 Step by Step: A Rule 19 Flowchart

Most Parts (and Units) begin with FAQs to give students a big picture overview of key concepts. Individual FAQ can also be seen from the expandable TOC if a student ever wants to revisit these. For example, here are FAQs for early motions that shows how each FAQ can be separately viewed by clicking on the "View" link associated with it:

▼ PART 1. MOTIONS DURING THE EARLY STAGES OF LITIGATION

		Chapter
☐	Launch	▼ I. Default: Rule 55
☐	Launch	▼ A. Understanding the Big Picture
☐	View	FAQ: What is "default"? Who "dropped the ball"?
☐	View	FAQ: What does Rule 55 mean by "a party against whom a judgment for affirmative relief is sought"?
☐	View	FAQ: Can a defendant be in default if he has appeared in the lawsuit?
☐	View	FAQ: Is there a difference between "default" and a "default judgment"?
☐	View	FAQ: Can you only get a "default judgment" by filing a motion for default judgment with the judge?

For major topics such as PJ and SMJ, students are given some guidance on how to tackle the topic. The guidance may include suggestions for the order in which to proceed, how to effectively use C&L:CP with individual casebooks and/or how to use unique C&L:CP tools such as interactive flowcharts that map out tougher topics such as PJ as well as Rule 19 parties. This guidance is still provided using a question-based approach to retain student engagement. In addition, the flowcharts help visual learners and the interactivity helps all students easily navigate to the topic of most interest.

In terms of subtopics included in Units, C&L:CP follows a similar organization to most casebooks except for the following:

- Supplemental SMJ is included with all of SMJ in Unit 3, even though some casebooks cover this topic with Joinder.
- Removal is covered before supplemental SMJ so that classes that cover SMJ and removal before joinder can easily answer all the removal questions. However, there is a subsequent part that integrates all of SMJ including removal and supplemental SMJ.
- All types of dismissal (default, voluntary and involuntary), as well as summary judgment motions are included in Unit 8 regarding Motions and Trials.

Even though C&L:CP's organization may slightly differ from some casebooks, we have found no problem with assigning students material from different units at the same time since C&L:CP does not presume a particular order of completion. Moreover, the Casebook Guides, described in more detail in Part IIIB, can help faculty find pertinent information, as well as see additional detail about individual subtopics.

C. Questions and Question Types

C&L:CP is loaded with questions. The log-in page states that there are hundreds of questions. But, in fact that are *over two thousand* available questions![5] The log-in page does not reflect the full number of questions in case that would intimidate a student who thought that each question needed to be completed. However, for faculty adopting or recommending C&L:CP, it is useful to know the deep reservoir of questions C&L:CP provides.

Question Levels: From Beginner to Advanced

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[5] There are over 1000 Reading and Understanding Questions, over 470 Practice Makes Perfect Questions, over 270 Recap Questions, and over 330 Synthesis Application Questions.

In addition to having a large number of questions, C&L:CP thoughtfully includes several types of questions to help students of different abilities at all points in the learning process (such as pre-class, post-class, and final exam preparation). There are several levels of questions:

- Reading and Understanding Questions

- Practice Makes Perfect Questions

- (Synthesis) Recap Questions

- Synthesis (Application) Questions

The Reading and Understanding Questions are the initial questions within each Chapter and are designed to help students master new concepts. So, for example, when a Chapter introduces a joinder rule, these questions will focus on who the rule applies to, what the requirements are, etc. These are useful to students learning the material for the first time. In addition, students who struggled with a concept in class will likely find these questions helpful in providing additional review.

The Practice Makes Perfect Questions are intended to permit students to practice legal concepts already introduced to new fact patterns. Students can do these before or after class. In addition, students can do these without having done the Reading and Understanding Questions – no question requires students to have first completed another question or even section of questions.   If a student starts a section of these and discovers they are too difficult, they can easily navigate back to the Reading and Understanding Questions on that topic.

The Synthesis (Application) questions are the most challenging. These are at the end of Units, and sometimes at the end of Parts within Units. These questions require mastery of multiple different concepts.   However, since it can be hard for students to sometimes know if they're ready for Synthesis Application Questions, there are Synthesis Recap Questions provided first to enable students to see if they are ready for the most challenging ones. However, as with all questions, students can easily skip the Recap Questions.

Questions that Test Across Topics

In addition to the three categories of questions, the Combining Concepts Unit has the most advanced questions. The "Picking a Court" Part has some Recap Questions regarding individual jurisdictional topics such as SMJ, PJ and Venue, before the advanced Synthesis Application Questions that require mastery of all three simultaneously.   In addition, the "Advanced Joinder, SMJ and Preclusion" Chapter provides recap of individual topics and then questions connecting these concepts, before providing the toughest synthesis questions that require mastery of all aspects of claim joinder with preclusion and all of SMJ, including 1367 SMJ.

Variety in Question Styles

C&L:CP has many different interactive question styles. There are multiple choice, as well as multiple select (more than one answer correct). There are also questions that require highlighting key words/phrases form statutes, as well as fill in the blank questions to help reinforce rules that students have been introduced to. There are also drag and drop questions. Each Unit uses multiple question styles.

D. Navigating C&L:CP and Effectively Using the Table of Contents

Students and Faculty alike can easily navigate C&L:CP from the C&L Content page by selecting the applicable Unit that they want to choose.

1. Expanding/Contracting the Table of Contents

For each Unit, students can see what percent is completed, as well as all the parts. For example, here's a visual of a partially completed SMJ Unit, with the potential to expand each Part noted on the right side ("Show All Sub-Sections"):
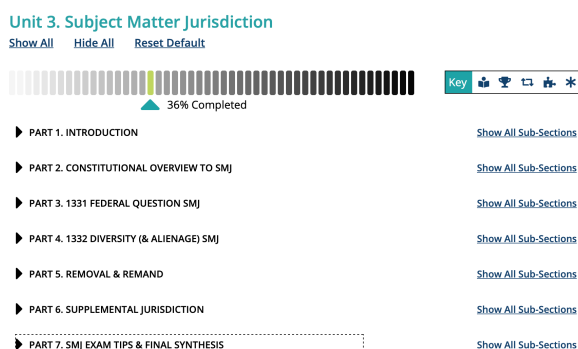
Each Part, Chapter, and Section can easily be expanded or contracted. The Table of Contents can expand to reveal the smallest section or just each major Part of the Unit. Each of these possibilities only takes one click (either "Show all Sub-sections" button to expand or clicking on the arrow next to a Part to hide the detail).

Here is an example of the SMJ Exam Tips Part that has only Chapter II fully expanded to include all subsections.

 For each Chapter where there is an arrow pointing right, clicking on that will reveal the subsections.

So, for example, clicking on the arrow to the left of "Going Mobile Fact Pattern" will then reveal the four subsections within it as shown below:

▼ III. Practice Makes Perfect — SMJ Essay Questions	
▼ A. Going Mobile Fact Pattern	
1. Identifying Key Facts for the Analysis	
2. Identifying Key Issues to Discuss	
3. Identifying Relevant Facts	
4. Your Turn to Play Professor	

2.   Table of Contents Data

For students and faculty alike the Table of Contents is rich with information. In particular, although faculty (and students) can always download a PDF of table of contents, C&L:CP online also provides the table of contents, including the types of questions for each section, and the number of each question. Under the Q #/Level column. Here is an example from 1331 SMJ – this shows the number of Reading and Understanding Questions for each subsection of IIA (9 total), followed by 5 Practice Makes Perfect Questions.

Chapter	# Qs
▶ I. Big Picture	
▼ II. 1331 Federal Question SMJ: The Well-Pleaded Complaint ("WPC") Rule	
▼ A. What is the WPC Rule and Why Is the Name Misleading?	📖
1. The WPC Rule and the Mottley Case	5 📖
2. A Step by Step Guide to Applying the WPC Rule (Using Mottley)	3 📖
3. Why Does the WPC Rule Exist?	1 📖
4. Application of the WPC Rule	5 🏆

The Table of Contents easily indicates what students have completed, as well as what is still in progress. So, the full view of the Table of Contents for the same section is as follows:

		Chapter	# Qs	Status
☐	Launch	▶ I. Big Picture		In Progress
☑	Revisit	▼ II. 1331 Federal Question SMJ: The Well-Pleaded Complaint ("WPC") Rule		✱
☑	Revisit	▼ A. What is the WPC Rule and Why Is the Name Misleading?	📖	✱
☐	Launch	1. The WPC Rule and the Mottley Case	5 📖	In Progress
☐	Launch	2. A Step by Step Guide to Applying the WPC Rule (Using Mottley)	3 📖	In Progress
☐	Launch	3. Why Does the WPC Rule Exist?	1 📖	To Do
☐	Launch	4. Application of the WPC Rule	5 🏆	To Do

The Status column indicates to what extent the section has been completed, or whether it is in progress, or not yet started ("To Do"). A faculty member who clicks through the section without answer the questions will show "in progress" since it is not complete.

The sections that say "Launch" can be clicked on to start that Chapter. In contrast, "Revisit" means that the section has been started. Once a section is completed, it will either say "Complete" if there are no questions, or else the score will appear as shown below.

		Chapter	# Qs	Status
☑	Revisit	▼ I. Introduction		Complete
☑	Revisit	A. Do I Need This Part?		Complete
☑	Revisit	▼ B. Big Picture: Constitutional Authority	📖	Complete
☑	Revisit	1. Article III – What Is It About?	2 📖	0%
☑	Revisit	2. How do Section 1 and Section 2 relate to each other?	1 📖	100%
☑	Revisit	▼ II. Judicial Power (Article III)		Complete

PART 2. CONSTITUTIONAL OVERVIEW TO SMJ — Show All Sub-Sections

E. User Support

C&L:CP provides support for student and faculty use online through a variety of means.

1. For Students

When students initially log in, they are provided some initial quick start instructions about how to either use C&L:CP on their own, or if assigned for a class. In either case, students are informed about the different types of questions, as well as how the Table of Contents reveals their progress. It also informs them of available resources online.

In particular, at any time, students online can obtain help in the SUPPORT tab from three sources:
- How to use C&L:CP
- Technical Support
- Downloadable Table of Contents

As a faculty member, you can view all these support resources online and if you're interested the Student FAQ is available as a pdf in Appendix A.

2. For Faculty

Faculty support is available not only through this Teacher's Manual, but also through the SUPPORT tab online. In particular, there are several types of support to address different issues:
- Matching to my Casebook
- Setting Assignments and Tracking Students
- Teaching Manual and Advice

III. Getting Started – Basics

A. Quick Start - Faculty Instructions

The first step is to log in to C&L:CP.

Faculty can obtain a complimentary review subscription to Click & Learn: Civil Procedure courtesy of Carolina Academic Press (available at https://cap-press.com/clcp/faculty.php). Please allow between 24 and 48 hours for Carolina Academic Press to verify your faculty status and provide you with your complimentary subscription.

Once logged in, there are three primary components of C&L:CP relevant to faculty: C&L:CP Content (i.e. the individual Units of substantive material), Faculty Dashboard, as well as Support.

Clicking on "C&L:CP Content" will reveal all the available Units from which you can select any single Unit to review.

The Faculty Dashboard permits interested faculty to assign part(s) of C&L:CP for students to complete. As discussed in more detail in Part IV.D, faculty can require students to complete a portion of C&L:CP for a particular day (and time), or simply by the end of the semester. Even if a faculty does not assign C&L:CP, the faculty dashboard can still reveal individual student and class data if the faculty member creates a C&L:CP "class" and has students sign up using the class code as described in Part IV.B.

There are two types of Support available to faculty – the same Support available to students, as well as Support available to faculty only. Both types are addressed above in Part II.E.

Notably, much of the online faculty support replicates this pdf Teacher's manual so that you can easily access the information online.

B. How can C&L:CP be Used?

C&L:CP is highly adaptable and can accommodate many different faculty uses. For example, it can be used as a required text integrated with class assignments, or simply as a recommended supplement for students to do on their own. C&L:CP can be used to provide students with a stronger understanding of material before they come to class, in conjunction with giving faculty specific data on what students need more help on, as explained more in Part IV. Alternatively, it can be used to provide students additional practice after material is introduced in class; there are questions for advanced students, as well as for those who need additional work on basics.

Importantly, however faculty want to use C&CP, it is an effective tool for faculty to efficiently provide feedback to a large class. An individual faculty member only needs to decide what part of C&L:CP to assign, which can be done with the assistance of the Casebook Guides in the next section. Thereafter, C&L:CP will automatically provide students with an immediate explanation after they answer each question.

C. Casebook Guides

C&L:CP can be used with any casebook. Faculty, as well as students can always download the Table of Contents. This provides a detailed list of each Unit, Part, Chapter, and Section. Moreover, the number of questions is listed, including the type of questions. This enables faculty and students alike to not only find relevant topics, but appropriate level questions.

Moreover, there are downloadable (and searchable) PDF guides to the following commonly used casebooks that match chapters of casebooks to C&L:CP:
- Freer & Purdue, *Civil Procedure, Cases, Materials and Questions* (7th Ed.)
- Glannon, *Civil Procedure, A Coursebook* (3rd Ed.)

- Spencer, *Civil Procedure, A Contemporary Approach* (5th Ed.)
- Yeazell, *Civil Procedure* (8th Ed.)

There are actually <u>two</u> guides to each of the above casebooks to optimize different faculty uses. First, there is an Overview Guide (two-page) designed for faculty recommending students use C&L:CP as a supplement, without any intent on requiring completion of specific questions. Second, there is a Detailed Guide (20+ pages) that correlates sections of an individual casebook with the pertinent components of C&L:CP. The Detailed Guide lists the number of each type of question (from easiest to hardest), together with any additional resources (including general tips on reading FRCP, as well as guidance on reading particular cases, such as *Twombly, International Shoe*, and *Erie*).

D. How to Recommend or Adopt C&L:CP

Although any student can purchase C&L:CP to use on their own, we envision faculty either recommending C&L:CP to use as a self-directed supplement or requiring students to adopt C&L:CP as part of class materials.

Students have access to the same questions no matter how they use it. However, if faculty want to monitor student use and performance, they need to create a "class" (See Part IV – Features for Faculty), which results in a unique code that the faculty member then provides to students.

IV. Features for Faculty

C&L:CP provides faculty the opportunity to access a wealth of information about individual students, as well as the class overall. This data can be used to teach class and/or identify students who could use additional academic support.

The following is an overview of what is available to faculty, primarily from the Faculty Dashboard. In addition, much of this information is available online under Faculty FAQ.

A. Faculty Dashboard

The Faculty Dashboard is an important faculty-only feature of C&L:CP. Whereas students and faculty alike have access to the same substantive Civil Procedure material, only faculty have access to the Faculty Dashboard which can provide detailed data on individual students as well as the class overall. To get the data and/or require assignments to be completed in C&L:CP, you need to have your students join a "class" in C&L:CP, which is described below.

If you are recommending C&L:CP to your students to do on their own and have no interest in seeing what they complete and/or their performance on questions, you need not create a class. Any student can use all aspects of C&L:CP without joining a class.

However, we recommend creating a "class": it takes about 30 seconds and provides you with lots of information on student and class performance.

B. Creating a Class

Start by clicking on the Faculty Dashboard at the top of the screen.
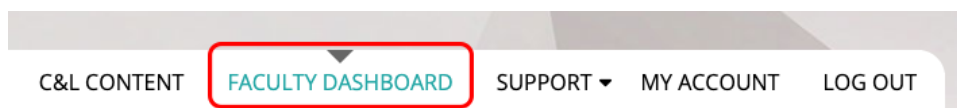
From the Faculty Dashboard, click on the **Create Class** blue tab on the right hand side of the screen.

You will be asked to provide a **Class Name** and to select an **End of Semester** date for class.

The Class Name is the title of the class that will be displayed to you and your students.   So, if you only have one section, it can easily be called "Civil Procedure."

If you have more than one class, whether you create one or two sections is your choice. See Section D, Part 2 (below) for instructions on how to create multiple sections.

The **end of semester** date will be used as a default due date if you want to require material to be completed by the end of the semester, rather than a specific date (and time) during the semester.   You are recommended to choose the last date you want students to complete any materials. However, students can have access to C&L:CP after this date if they purchased a subscription for the semester or for the year.

You will also be selecting your time zone at this point.

After you create a class, you will be given a unique **class code.** This code should be distributed to students to register for your C&L:CP class.

C. Editing Class Information

You can alter the basic class info after you create it.   In particular, you can alter the class name and/or the end of semester date by going to "Edit" button in the Faculty Dashboard.

Editing the class information will not modify the class code.

D. Using the Class Code

1. Basics – Getting Students to Register for your C&L:CP Class

Once you have successfully created a class (see above), you will get a unique Class Code to distribute to your students so that that they can register for your class. You can see the class code on the Faculty Dashboard directly to the right of the class name. Here's an example:

Student Class Results	Class Code	Instructor
Civil Procedure	319-514-7454	Baity, C.

2. If you have More than One Section of Civil Procedure

If you have more than one section of Civil Procedure, you have the option of creating one class with all your students, or else having multiple C&L:CP classes. If you want all the data combined, that would be the one class option. However, if you want to keep the data separate, as class rosters typically are, then you should register two separate classes, and choose different names for each so that you can identify them. Each class has its own unique Class Code.

3. Fixing Class Code Problems – Are your Students in your C&L:CP class?

You should check to make sure your class roster matches the C&L:CP class. If you are missing student(s) in your C&L:CP dashboard, they may not have entered the correct class code, or registered before you distributed the Class Code.

This problem is easily fixed – even after they have already done an assignment. For a student to add the correct class, they simply need to go to the "My Account" page and click the "Leave Class" button. They can then join your class by entering the correct Class Code. All their data on any questions completed will follow them.

E. Who Can Access the Faculty Dashboard?

Each class has a "coordinator, which is typically the faculty who created the class. However, a faculty member can designate additional individuals to have access to the dashboard. For example, if a faculty is working with a teaching assistant or co-teaching a class, the other person can be given access. Anyone who has access to a class dashboard has the same rights, such as creating and/or modifying assignments, as well as seeing class data. For student privacy reasons, we recommend that if you would like your teaching assistant to review student data, you confidentially share your username and password to C&L:CP. This will allow your assistant to log in using your account and view the classes and data they are allowed to see.

F. Setting Assignments

1. Why Should I Set an Assignment?

If you want to ensure students complete certain questions, you will set "assignments" in C&L:CP. This does not require that students are given a grade. Rather, setting an assignment in C&L:CP makes it easy for students to know what you want them to do and allows for easy tracking of their progress; you can see data on individual students or the class based on the date of assignments.

C&L:CP provides a wealth of data after you have set an assignment. In particular, it will tell you every student who completed the assignment, and their performance (number of questions correct, as well as the score for the class as a whole for individual questions, including with handy bar graphs). The data on individual students is available in downloadable excel sheets that easily identify questions skipped and/or ones that are late (late submissions are highlighted).

This information is available as soon as students start taking questions and remains available for the duration of the semester, including in downloadable excel sheets.

2. How to set an Assignment as Required

As with many things, you start in the Faculty Dashboard. First, click on "Set Required Chapters."

Civil Procedure   319-514-7454 | Baity, C.   View Student Roster | Set Required Chapters | Edit |

Next, select the Unit that you want to set due dates for from the blue drop down tab.

You can expand any Part by clicking on the down arrow.

If you want to require something to be done by the end of the semester, click the "Use End of the Semester Date" box at the top of the screen. For all other due dates, select the due date at the top of the screen from the "Due Date" Box.

- After selecting the date and time, select the appropriate assignments by checking the box next to the desired Chapters. If you would like to select an entire Part, simply check the box in the blue header next to the Part.
- C&L:CP has a "View TOC" link and links for each chapter that allow you to view the relevant C&L:CP Content in a new tab (or window) when assigning a chapter. Remember to close out this tab (or window) and return to the FACULTY DASHBOARD to set your assignments.
- Make sure to hit the **Submit** button at the top of the screen to save your selections.

    3. Changing Assignments and/or Due Dates

You can change what is a required assignment at any time – even after some students have done it on their own optionally.   Similarly, you can also add or modify a due date.

Once again, you make changes from the Faculty Dashboard. Click on "Set Required Chapters." Next, select the Unit that you want to set due dates for from the blue drop down tab. You can expand any Part by clicking on the down arrow. To make a change, uncheck the box next to the desired Chapter you no longer to make required. Then, click Submit at the bottom of the screen to have the change be effective. Then, to set a new due date, follow the steps above regarding setting an assignment.

G. Reviewing Data

From the Faculty Dashboard, click on the title of the class you want to view. Next, select the Unit that you want to see from the blue drop down tab. You can expand any Part by clicking on the down arrow. You can also view all results for the Unit, or by individual due dates. Simply select the due date from the blue drop down tab next to the appropriate Unit.

    1. Class Data

Click the **Class Results** link near the top of the screen to see class-wide results.

Individual Student Data | Class Results | Student Roster

Unit 6. Joinder of Claims and Parties ▼   Select Due Date ▼ ?

You will have class wide data for each question.

There is a visual bar chart of the number of students who answered each question correctly and incorrectly. At the end of this chart there may be a red number that indicates how many, if any, students clicked the "Tell my professor I'm still confused" button for that question.
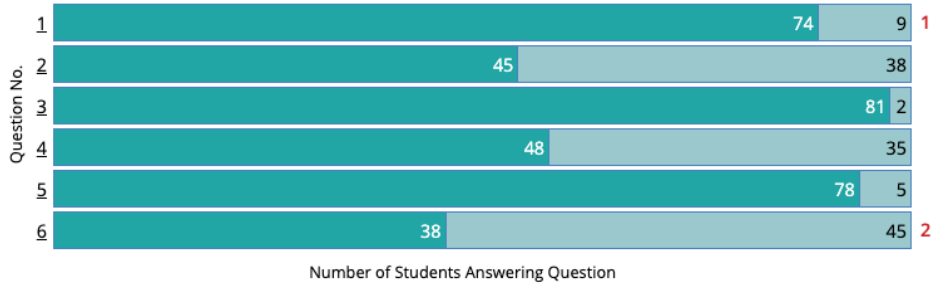
You will be able to drill down on each question by either clicking on a bar or clicking on the underlined question number on the left (within the individual section).
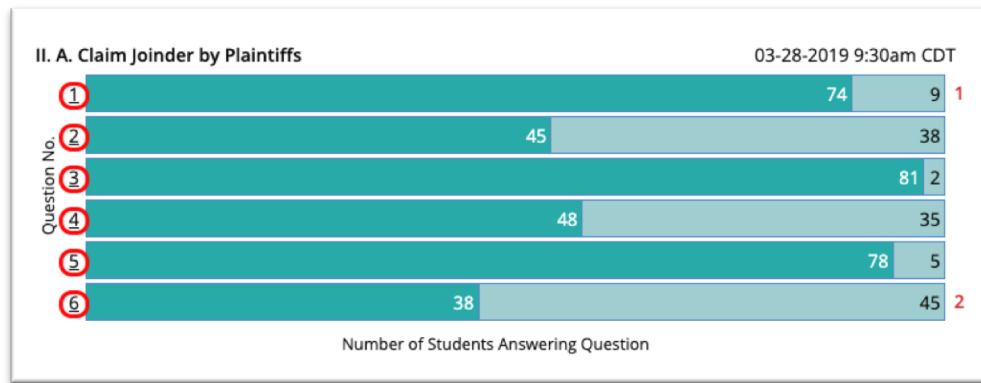
You will see the visual chart for that question and a more detailed breakdown of how many students selected each answer option.
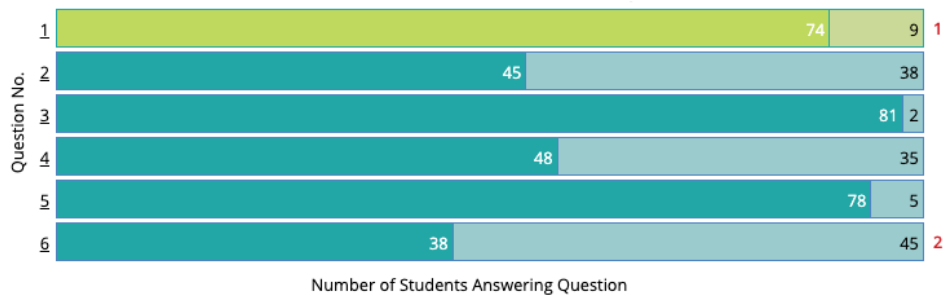
Answer Breakdown
  A: 4
  B: 74
  C: 5

You will see a list of the students who did not answer the question.

You will see the students' names (listed alphabetically) and a mark to show if they answered the question correctly or incorrectly (as well as the date and time completed).

You can click on the link "Show All Student Answers" to covert this chart into their actual reported answers.

2. Individual Student Data

Click on the link called **Individual Student Data** at the top of the screen. You can see the data this way regardless of whether or not you required any questions

Individual Student Data | Class Results | Student Roster

Unit 3. Subject Matter Jurisdiction ▼   Select Due Date ▼   **?**

▸ PART 1. INTRODUCTION

▸ PART 2. CONSTITUTIONAL OVERVIEW TO SMJ

▸ PART 3. 1331 FEDERAL QUESTION SMJ

▸ PART 4. 1332 DIVERSITY (& ALIENAGE) SMJ

a. Repeated Questions – the Asterisk

C&L:CP also captures data on students who repeat a question.   You can always see when a student has answered a question more than once since an asterisk will appear next to a student score. Although the current C&L:CP default is to show the first score, the asterisk indicates that the student has taken it more than once.   So, for example, in the image below, it shows that the student got 2 out of 3 questions correct for a particular section, but that it was done more than once.
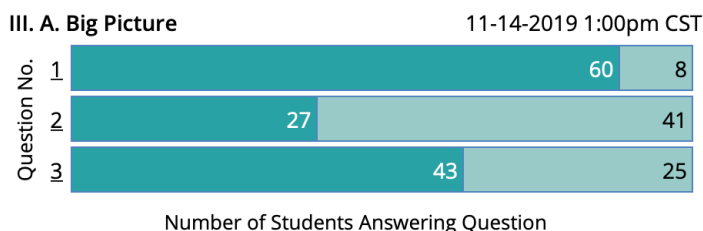
2/3*

This data is available in addition to the overall class average of 63% for the particular section that is shown at the top of the chart, before data for each student:

▾ PART 2. ADVANCED JOINDER, SMJ AND PRECLUSION

	I.	II.	A.	B.	C.	D.	III.	A.
Class Average	-	-	90%	82%	95%	80%	-	63%

If you would like to see a student's subsequent score(s) on a question, you can do so. However, while still viewing individual student data, you should be sure to identify which Chapter/Section you are looking at. So, in this example, the top of the chart reveals that this is in Chapter IIIA of Unit 11, Part 2.

The next step is to click on "Class Results" button and from there navigate to Chapter IIIA, which could look like this:

III. A. Big Picture   11-14-2019 1:00pm CST

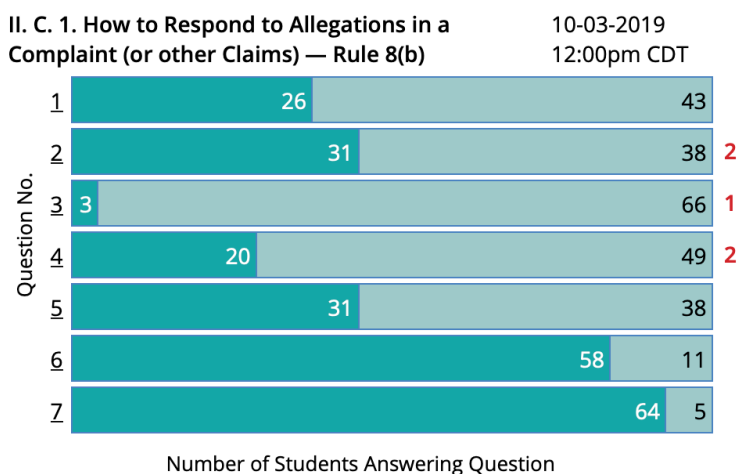| Question No.		
1	60	8
2	27	41
3	43	25

Number of Students Answering Question

Then, clicking on one of these questions will reveal the actual question asked, as well as the answer for each student, including each answer for a student who answered more than once. So, for example, for the same student it could reveal the following:

✖	11-12-2019 8:45pm
✔	11-12-2019 8:46pm

3. "I'm Confused" Button

C&L:CP provides students the opportunity to select the "I'm Confused" button if they are still confused after reading an explanation. This is true regardless of whether or not they got the answer correct. Looking at questions where students chose this can indicate what topic(s) may need more attention in class beyond data regarding how many students overall got an answer right or wrong.

This information is displayed in summary form if you are viewing class data. So, in the example below, for several questions, the red number to the right of the question indicates the number of students who were confused:

II. C. 1. How to Respond to Allegations in a   10-03-2019
Complaint (or other Claims) — Rule 8(b)   12:00pm CDT

Question No.			
1	26	43	
2	31	38	2
3	3	66	1
4	20	49	2
5	31	38	
6	58	11	
7	64	5	

Number of Students Answering Question

You can also see which individual students were confused. So, if you click on the link below the question number, such as 2 (and thus entering the Drilldown mode), you will see the actual question, as well as every student answer, including a red question mark next to the student(s) who had a question. So, next to the student name you'll see this:

$$\times \qquad ? \qquad \text{10-03-2019 8:07am}$$

H. Teaching Tips Using the Dashboard Data

1. Should C&L:CP Scores "Count"?

For faculty requiring students to complete C&L:CP, we strongly recommend that they give student class participation credit for timely and professional completion, rather than using any "Score" from C&L:CP. In other words, if it is timely, but the student clearly clicked through all the questions in 5 minutes (which you can tell from the date and time stamp), that would not be a professional effort even if timely. C&L:CP makes it easy to see if there are any late scores since for individual questions they are highlighted orange – both online, as well as in the exportable excel sheet.

We believe that there are multiple reasons for giving students full credit for timely and professional completion as we each do in our classes. First, it focuses students on the key goal of learning (and providing formative assessment). This means that students are less likely to obsess (or argue) about the questions. Second, we think this is particularly important since many of the Reading and Understanding Questions are intended to teach students the material; so, it is not expected that students can answer these correctly the first time.

Even if you give class participation credit for timely and professional completion, you may have students initially have problems because they are getting used to the functionality. For example, brand new law students may erroneously start with Unit 1, even if you have specifically told them to start with Unit 3 or any other Unit.   Accordingly, we believe it is helpful at the beginning of the semester to promptly notify students who did not timely complete the assignment and so they can trouble shoot the misunderstanding without penalty. In addition to doing the wrong Unit, a student may have been working at a location with poor internet connectivity. Students do not always realize that could create a problem.

2. Using Dashboard Data to Teach Class

C&L:CP provides a wealth of information to faculty in the dashboard.   Individual faculty may differ on the extent to which they use this information. However, here are some big picture tips.

First, although the bar graphs of how many students got the question wrong may seem to the metric to use, we have found that alone may be misleading regarding the exact issue. For example, it could be that many students got the question wrong because it is a multi-select question and that some students chose 2 out of 4 correct answers, instead of 3 out of 4 correct answers. So, we definitely recommend looking at additional information available from C&L:CP to identify if there are trends. For example, with a multiple-select question, you can see how many students chose each option (A-E); that can easily tell you what students are incorrectly choosing.

V. The Learning and Memory Theories Behind the Program

A. Overview

C&L:CP effectively uses several types of learning or memory theories including active learning, pre-testing, and generation theory. In particular, as studies have repeatedly shown, students learn and retain more when they are actively engaged, rather than passively reading, or listening to a lecture. The entirety of C&L:CP is based on this principle since most of the information is "conveyed" by asking students questions before providing an explanation. This is also consistent with the empirically supported concept of "pre-testing" to strengthen student understanding that is discussed not only in academic studies, but even in the popular press such as the New York Times.[6]   The methodology of C&L:CP is also supported by memory theory literature that indicates students learn better when they must first generate a concept in their own mind, even if they may be wrong.   This literature supports many questions in C&L:CP that ask students to consider what a rule or case means, as well as its underlying policy before telling students the answer. The reason behind this approach is that studies show that such questions to "prime" students to access new concepts and thus be better positioned to "encode" this new information in their memory. Moreover, the learning theories used by C&L:CP are especially effective for long term memory which is critical for retaining civil procedure knowledge after the course is over.   Indeed, our students regularly tell us that when studying for the bar, they find Civil Procedure one of the easiest topics to navigate because they retained a great deal of information.

B. Active Learning

The principle of active learning means that students take an active, rather than passive role in the learning process. Reading text is a passive activity, even when done in conjunction with common study techniques such as highlighting; studies repeatedly indicate that these methods not only are not effective, but may promote the incorrect illusion that highlighted material is already understood and thus reduce, rather than promote long-term retention. In contrast, active learning results in improved learning, including long-term retention of information because students are actively processing information.

Although there are many ways in which students can actively learn, the main method adopted in C&L:CP to promote students to actively learn at their own pace is continuous self-assessment. Studies repeatedly state that assessment is most effective when combined with timely feedback and an explanation, rather than just providing the correct answer. Detailed feedback allows students to know not just what they got wrong, but what to do to improve. This is exactly what C&L:CP does. After students answer an individual C&L:CP question, they receive immediate feedback not only on why an answer is wrong, but also about incorrect assumption(s) that may have led to the error. This can help students not only answer that question correctly in the future, but possibly provide a better overall understanding to address other questions. Notably, unlike passive learning that can lead to student illusions of competency, when students take questions that they get wrong, any such illusion is immediately debunked, thus permitting students to actually learn the material.

C. Testing to Teach: Multiple Theories

Multiple aspects of C&L:CP's question-based modality are supported by learning theory. For example, requiring students to learn material through questions is supported by "generation theory." Providing multiple opportunities (and questions) to revisit concepts also promotes learning and is a core feature of C&L:CP which offers multiple types of question levels from easy to advanced.

1.   Generation Theory

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[6] Benedict Carey, *Why Flunking Exams is a Good Thing*, NY TIMES MAG., Sept. 4, 2014.

The "Reading and Understanding" questions that are designed to help students initially learn material by essentially testing them and requiring them to create a hypothesis regarding new material is consistent with literature on the benefit of "generation theory." Basically, generating words and concepts, rather than reading them make them more memorable. Although many students may have the erroneous belief that it is best to avoid all errors, studies show that initially guessing at an answer and then being provided corrective feedback provides better results. Using questions to introduce material helps to "prime" the brain to absorb new concepts.[7]

2. Multiple Opportunities for Formative Assessment

C&L:CP is designed to provide many opportunities for formative assessment. This is consistent not only with ABA goals but also with learning theory that shows that students learn more effectively when they are given multiple opportunities to test and re-test material. Since students receive feedback immediately about what they have mastered versus what they need to work on, they can efficiently tackle any gaps in understanding. Students thus can learn at a more rapid pace and/or with greater depth than they would without feedback. Although this is not yet the norm in higher education, it has similarities with the popular Web-based testing that the Khan Academy provides for kids. Multiple formative assessments has been considered a best practice for law teachers for more than a decade.[8] C&L:CP simply makes multiple formative assessments easy for faculty to accomplish with even a large class.

D. Harnessing Technology for Today's Students

Last, but not least, C&L:CP addresses the fact that today's students are facile with technology. Many students have grown up not only with computers, but with internet access always being available. Most students have their own laptops and some are already familiar with engaging in activity online – both for personal entertainment (such as social media connections like Facebook), as well as for learning. C&L:CP essentially builds upon existing student comfort with technology to provide a tool for learning that fits with the preferences of today's students. Some students who used a beta version of C&L:CP noted that they wished other classes had a similar learning format because it was more "fun," than traditional reading assignments.

C&L:CP combines the traditional Socratic method of promoting critical thinking by asking students to consider questions, decades of scientific research regarding optimal learning, with the best of technology. C&L:CP enables students to simulate the Socrative process on their own time outside of class. We have found that all students enjoy the opportunity for self-instructional learning that provides immediate feedback.

VI. Authors and Acknowledgements

A. About the Authors

Angela Upchurch is a Professor of Law at Southern Illinois University School of law and a nationally recognized teacher; she was cited in the Best Law Teachers book. She teaches and writes in the area of Civil Procedure, Dispute Resolution and Children and Family Law.

Susan Gilles is the John E. Sullivan Professor of Law at Capital University Law School where she teaches Civil Procedure, Torts and Media Law. Professor Gilles has received student teaching awards at three

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[7] *E.g.*, Lindsey E. Richland et al, *The Pretesting effect: Do unsuccessful retrieval attempts enhance learning*? 15 J. EXPERIMENTAL PSYCH APPLIED 243 (2009).

[8] STUCKEY ET AL, BEST PRACTICES FOR LEGAL EDUCATION (2007).

different law schools. She writes in the area of civil procedure and media law (and indeed is the past chair of the AALS Section on Mass Communication), and past scholarship has explored the intersection of procedure and media law. She and Professor Upchurch were recent presenters at the AALS Mid-Year Section Meeting on Civil Procedure.

Cynthia Ho is the Clifford E. Vickrey Research Professor at Loyola University Chicago of Law where she teaches Civil Procedure as well as intellectual property classes. She has published two books, including one with Lexis (Q&A on Patents) and one with Oxford University Press. In addition, she has created interactive lessons for the Center for Computer-Assisted Legal Instruction (CALI). She regularly presents at national and international conferences on both intellectual property and teaching. Prior to teaching at Loyola, she practiced intellectual property litigation.

The authors have a combined total of over 30 years of experience teaching Civil Procedure and each has piloted a beta version of C&L:CP in class. The authors have presented portion(s) of earlier versions of C&L:CP at the Teaching Panel of the 2016 Annual AALS conference, as well as at other conferences such as at CALICon, and the 2019 Online Learning Conference at the University of Denver School of Law. In addition, the coauthors published _An Active Learning Approach to Teaching Tough Topics: Personal Jurisdiction as an Example_, 65 J. LEGAL ED. 772 (2016). The authors also each have practical litigation experience, including work in and before the federal district and appellate courts.

If you have questions about C&L:CP, find errors and/or have suggestions, we welcome your comments at authors@clickandlearnguide.com

B. Copyright Care

Developing C&L:CP was an enormous undertaking for the authors, an ever-changing group of research assistants (as students graduated), the lead graphic artist, and the technical team that developed and implemented a pioneering tool for legal education.   Accordingly, we ask that you treat the intellectual property with care.   In particular, except for one-time educational uses, please obtain advance permission from Carolina Academic Press.