I’m Laura Mott, Director of Academic Skills for the 1L Evening Class at CUNY School of Law. And, welcome to this CALI podcast on Class Participation. This podcast will provide you with the opportunity to do a freewriting exercise, explore some research in the field, and learn a few tips on how to hone your approach to speaking out loud in class. The resources referenced during the podcast will be linked on the CALI description page.

So, first, let’s start this way: get out a pen and paper, take a deep breath, and write down two challenges you’ve experienced when getting called on in class. You can write about a specific instance that you remember, or just a general feeling or sense you may get when you hear your name called, regardless of how prepared you are. So, pause the podcast and take 5 minutes to do this free write.

And, welcome back! So, maybe you wrote down “I know exactly what I want to say, but I totally freeze!” Or, “I don’t know what the professor is asking me.” Or, “every time I respond, it feels like I’m not correct and they’re actually asking me about something else entirely!” Maybe you know what you want to say, but you find yourself jumbling your words and not being clear in your delivery. Or maybe, you can’t stop thinking about that one time you gave the facts incorrectly in that one case.

But no matter what you wrote, though, it’s something that someone else, somewhere, who may also be listening to this podcast wrote - probably many people. In fact, most of us in our undergraduate experience are never asked to do public speaking in class in this way, on this big of a stage, in front of so many other people. But no matter what you wrote down, it’s something you can absolutely overcome.

So yes, you haven’t done this before, but no one else has, either - no matter how polished they sound! Sometimes the feelings we have when we get called on can become so overwhelming, we feel like we may not belong in law school at all! But, let’s get back to basics and remind ourselves that Our. Voices. Belong. In. The. Room.

So, what’s going on? What are these feelings? Have you ever heard of imposter phenomenon? That’s a fancy phrase for intense internal feelings that our achievements are undeserved and panic or paranoia that we are likely to be exposed in certain situations as intellectual frauds. In law school, this commonly manifests as anxiety or hesitation to speak in cold-calling situations.

It’s important to understand that imposter phenomenon is incredibly, incredibly common. According to research in 2007 and 2011 “70% of the general public will feel impostor phenomenon at least once in their lives.”

This percentage has been seen to increase in academia, where it has a systemic nature. Those who research imposter phenomenon observe that it is often exacerbated by institutional structures of power. The strategies we’ll talk about today are not sufficient to fully address these systemic issues and impacts.

So if you’re experiencing these feelings, let’s be clear – the onus is not on you to “overcome” them. This is one of many frameworks embedded within larger systems. But while you can’t necessarily change all of that now, what we can do together is acknowledge that this phenomenon exists, that it is extremely common, and empower you with tools for the moment.

So, if any of this has resonated to you so far, there are some concrete steps you can take to feel more prepared in class.

First, let’s start with steps to take before class.

**Close case-reading and briefing** is your best preparation tool, and an incredibly important exercise to prepare you for the professor-student conversation that happens when you get cold-called. If you are finding that your preparation is not getting you to the place you want to be for that conversation, a couple of things could be happening - and both are centered on time management. First, it could be that you are underprepared. Maybe you need to set aside more time to read cases closely and fill in your case brief. Or, alternatively, maybe you have TOO MUCH content in your case brief, and working more efficiently or spending less time is something you might find helpful. Over preparing can be just as paralyzing as underpreparing.

Talk to your academic support folks at your school for help with either of these issues.

If that isn’t so much the case, **you may find that a “dress rehearsal” is helpful.** Try reading your briefs out loud, in full sentences, to yourself or someone else! This rehearsal can polish your delivery, and better prepare you for the classroom performance. And if you’re briefing in the margins more quickly, it can even help to simply read sections of the case out loud - the rule, the facts, or the court’s reasoning, for example. Just getting that speaking practice in can be good. Doctors, nurses, and others in medical practice are encouraged to read, speak, and hear complex medical terminology in this way to more fully immerse themselves - and you too can synchronize your senses in this way to read, speak, and hear those parts of the case and that language simultaneously. Also, it can’t hurt to practice repeating “in personam jurisdiction” or “conscious disregard of a substantial and unjustifiable risk” a couple of times before you have to say it out loud in class!

And while we’re on the subject of case reading: the next pre-class tip is to **make a specific case briefing template for each class.**

Add things to your case briefing template that are particularized to specific components of the rules and doctrine of a class. These prompts can often mirror the professor’s questions. And, they can be adjusted to be based specifically on what unit you are learning in the class. So for example, in a Constitutional Law class, you’d want to include: “state action” - usually a statute or a government action in every case brief you wrote. You also would want to include what Amendment and Section the claim is being brought under, for starters.

In Criminal Law, for example, you’d want to include a category to identify the actus reus and the different components of actus reus, the mens rea, and the causation - especially if you are learning one of those units!

For more practice with this skill, you can check out CALI Lessons on case reading and case briefing.

And for any class, you can include the following:

“background” facts - which is the harm or injury suffered by the party bringing the claim, right? Telling the story!

And then the “legally – relevant” facts which are the facts that the court directly relies on to arrive at their conclusion. These facts are mentioned usually in the reasoning section and sometimes the holding of the case.

Many professors will also ask about the “parties’ arguments,” so having a section prepared to talk about for each party is a useful tool. It’s possible to prepare one or more “law because facts” sentences to accomplish this. So, for example:

The plaintiff, A, argued that BLANK because BLANK. In the first blank, you’d place the legal conclusion, or the way that party wants the court to conclude on whether the rule is satisfied or not. Then, link with a “because” to the relevant facts.

Same thing with the next party. For example, the Defendant, D, argued that LEGAL CONCLUSION because RELEVANT FACTS.

This parties arguments’ section can be especially useful if you’ve gotten a tricky question and you aren’t sure how to respond. Just read one of the parties’ arguments and let your professor guide you from there!

Another pre-class tip that relates to case reading and briefing that can help you prepare for case discussions and cold-calling is to use a highlighter or colored pens or pencils on your case. Regardless of whether you are reading the physical or the digital copy of the book. Color-code the sections of text to correspond with the categories of your case brief. So, for example, use the same colors for each category. Maybe the facts are in green, while the rules are in yellow. And, this can stay the same for every class! So you always know what color you’re looking for.

On to another topic: there are also ways to get physically prepared to participate in class, especially if you don’t know if you’re going to be called on.

Power poses before or during class are quick and easy ways to tap your inner confidence. By holding your body in certain ways, research demonstrates that you may be able to maximize certain hormonal activations which can increase your inclination to participate robustly in class. There are some “power poses” tips online, including a Ted Talk by Amy Cuddy.

Stretching or a short burst of exercise, even a 3 minute brisk walk before class, can have similar effects.

And, most importantly - if you hear your name, remember to pause and take one or two slow, deep breaths before answering the question. Not only to center yourself, but to give your brain the oxygen it needs to perform at its maximum capacity.

These physical steps can all help minimize what’s been termed “spotlight effect.” It’s that rush of anxiety that you feel when you hear your name called in class - that feeling that suddenly, the universe has stopped, everyone is looking at you and hyper-focused on everything that you are doing and saying. But in reality, nobody’s paying that close of attention. They aren’t going to remember that you answered a question wrong (if you even do)! People don’t really pay as much attention about what others are doing and saying as we think- they are just taking a breath, relieved that it’s not them!

Lastly, remember you are an expert in your own experience. If your work with the case has led you to the conclusion that a particular party made a particular argument, or that a court held in a certain way, great! Have confidence in that and if you get called on, speak confidently. No matter what happens remember, you will be fine, and you will make it through.

I hope you found this podcast useful and see you next time!

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Resources:

Imposter Phenomenon: <https://so06.tci-thaijo.org/index.php/IJBS/article/view/521>

Power Poses: <https://jamesclear.com/body-language-how-to-be-confident>

Spotlight Effect: <https://pubmed.ncbi.nlm.nih.gov/10707330/>