

A Pedagogical Innovation Agenda

Polk Wagner

June 4, 2024



Penn Carey Law
UNIVERSITY of PENNSYLVANIA

Agenda

(A Couple of) Reflections on the 2023-24 Teaching Year

Introducing a Pedagogical Innovation Agenda

AI Updates - June 2024



Reflections on 2023-24 Teaching

Course Evaluations

The response rate for course evaluations is ±90%!

- Most important factor was the “Canvas block”
- Also: giving in-class time, encouragement, especially early in the evaluation period (last two weeks of classes)

Course Evaluations are Now a Better Tool

Not perfect, but a lot better.

Certainly worth taking seriously as a guide to assessing your teaching and areas for improvement.

Response Rate

Category Averages (Fall 2023)

Response Rate (Spring 2024)

Course response summary	
Raters	Students FFO
Responded	3348
Invited	3944
Response Ratio	84.89%

Course response summary	
Raters	Students FFO
Responded	3857
Invited	4271
Response Ratio	90.31%

Interpreting Your Q7 Scores

Category Averages (Fall 2023)

Overall effectiveness of instructor			
CATEGORY	Mean	Median	Standard Deviation
Overall	4.51	5.00	0.77
Clinics/Externships	4.61	5.00	0.82
Co-Curricular	4.58	5.00	1.16
First-Year	4.58	5.00	0.76
LLM	4.15	4.00	0.92
Masters in Law	4.45	5.00	0.86
Seminar	4.68	5.00	0.68
Upper-Level	4.54	5.00	0.80

Category Averages (Spring 2024)

Overall effectiveness of instructor			
CATEGORY	Mean	Median	Standard Deviation
Overall	4.60	5.00	0.87
Clinics/Externships	4.80	5.00	0.44
Co-Curricular	4.82	5.00	0.52
First-Year	4.38	5.00	0.95
LLM	4.62	5.00	0.72
Masters in Law	4.50	5.00	0.76
Seminar	4.53	5.00	0.84
Upper-Level	4.53	5.00	0.86

Interpreting Your Evaluations

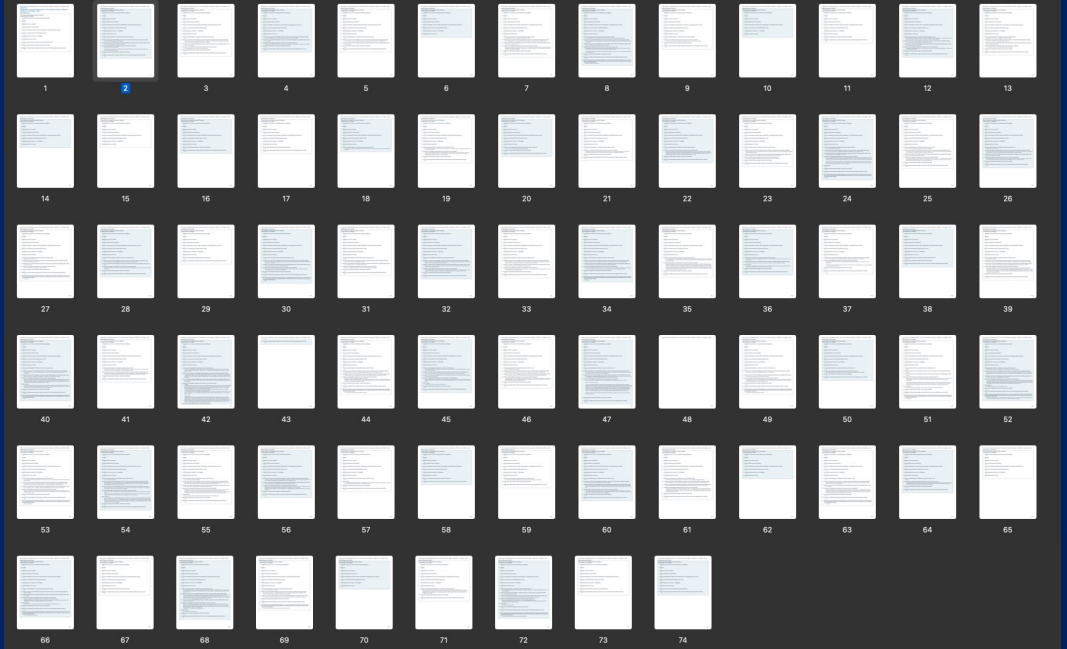
 [Download PDF](#)  [Download CSV](#)

Instructor Report - Individual Student Answers - Intro to Intellectual Property Law (Wagner) - LAW507-001 - R. Polk Wagner - 2024A

Student Responses

Courses Name: Intro to Intellectual Property Law (Wagner)
Instructors Name: R. Polk Wagner

1. Organization of the course, Intro to Intellectual Property Law (Wagner)
 - o 5
2. Workload:
 - o 4
3. Satisfaction with course materials
 - o 4
4. Clarity and effectiveness of presentations
 - o 4
5. Instructor's knowledge of the subject matter and identification of underlying principles and issues
 - o 5
6. Would you recommend that other students take this course?



Interpreting Your Evaluations

ChatGPT 4o

Instructor Report - Individual Stude...
PDF

I've attached an evaluation report with individual student answers. List three specific things — in order of impact, according to the student comments — that would improve the course.

Based on the student comments in the evaluation report, the three specific improvements that would have the most impact on the course are:

- 1. Reduction of Reading Material:**
Many students felt that the reading load was heavy and some materials were overly dense and technical, making it difficult to fully digest before class. A more aggressive editing of textbook cases and reduction of less pertinent readings would help alleviate this issue [1].
- 2. More Time and Focus on Class Problems:**
Students appreciated the class problems but felt there wasn't enough time devoted to them during class. Allocating more time for these problems, or making them separate from class time, would allow for a deeper understanding and application of the material [1].
- 3. Inclusion of More Current and Relevant IP Disputes:**
Some students suggested that the course would benefit from discussing more ongoing IP lawsuits and extending beyond the textbook to include these current issues. This would make the course content more engaging and practical [1].

What was the most frequently discussed negative or concern of the course, or the most room for improvement?

The most frequently discussed negative aspect of the course, indicating the most room for improvement, was the **heavy and dense reading load**. Many students felt overwhelmed by the volume and complexity of the assigned readings. They expressed a desire for either a reduction in the amount of reading or better alignment between the readings and what was covered in class. This would help ensure that students could manage the workload more effectively and focus on the most relevant and important materials [1].



Some Thoughts on Exams and Grading

Many exams this year moved from takeaway to in-class. **Impressions?**

Areas for concern and additional thought:

- (Temporally) long in-class exams pose challenges along several dimensions.
- 'Open book' exams with internet blocking raise potential issues with eBooks.

Grading: Use of the "Grade Sheets" Tool (on Canvas) grew, but still needs to be better!

Some additional communication around (non-mandatory) grading distributions forthcoming.



A Pedagogical Innovation Agenda

A Pedagogical Innovation Agenda

Premise: build innovation in teaching into the culture, as a community

A series of **ongoing group conversations** about teaching and learning

- big-picture questions, and
- single-item 'workshops' or 'tutorials'

Create structures and resources for improvement, support, and innovation in teaching

- support and incentives for creation of new courses, redevelopment of existing courses
- opportunities for sharing ideas, best practices, current thinking in learning science
- dissemination of specific tools and techniques (TAs, AI, etc) to improve teaching and learning

A Pedagogical Innovation Agenda: **Some Initial Topics**

Discussion: Open-Ended Conversations | *Workshop: Specific (Hands-On) Instruction*

Discussion: What are We Trying to Teach?

Workshop: Pedagogical Innovation - Tips, Tricks & New Ideas

Discussion: Rethinking Student Assessment (Exams & Papers)

Workshop: Using AI in Legal Education

Discussion: Measuring Quality in Teaching

A Pedagogical Innovation Agenda: Implementation

Regular and consistent opportunities to share, learn, and teach.

Pace: something like a discussion + workshop each semester. (??)

A community-designed program — ongoing refinement and reaction



AI Update — June 2024

A Few AI Updates & Current Thoughts

More law-specific AI tools emerging.

- CaseText cocounsel
- Westlaw cocounsel
- Lexis+ AI
- Harvey
- Dozens of specialized tools (contracts, compliance, IP, etc.)

Extremely opaque development and underlying structure

- Probably most of these are built on OpenAI GPT (3.5 / 4.0)



Casetext CoCounsel - Current State-of-the-Art Legal AI

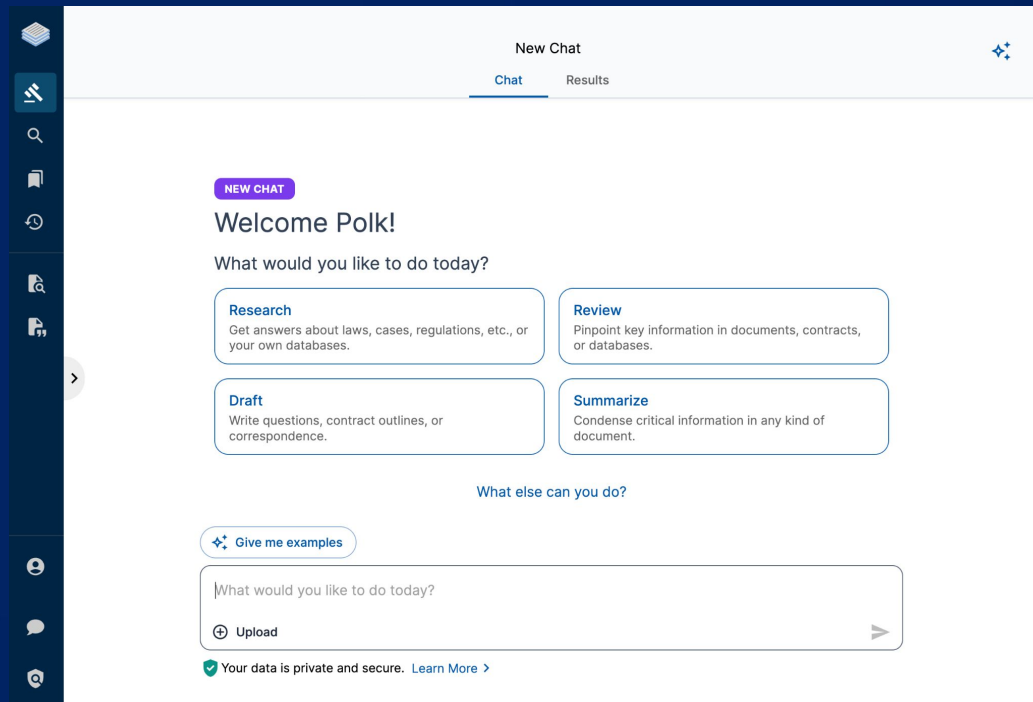
Provides a chatbot-like interface directed to particular legal tasks: research, review, draft, summarize.

These tasks map to LLM-specific “skills.”

Sandboxed sessions for confidentiality.

A fairly strong legal writer.

Can upload large amounts of transcripts, contracts, documents, etc.



Westlaw Precision AI-Assisted Research

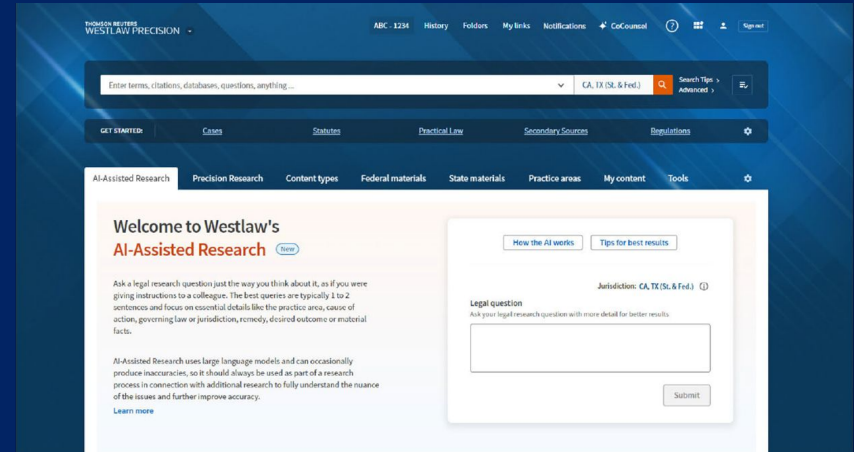
Provides enhanced search capabilities based on AI / natural language processing.

Returns queries in full-text, paragraph form.

Includes citations and excerpts from relevant source.

Best as a starting point - esp. for new issue areas.

Can be a double check for completeness.



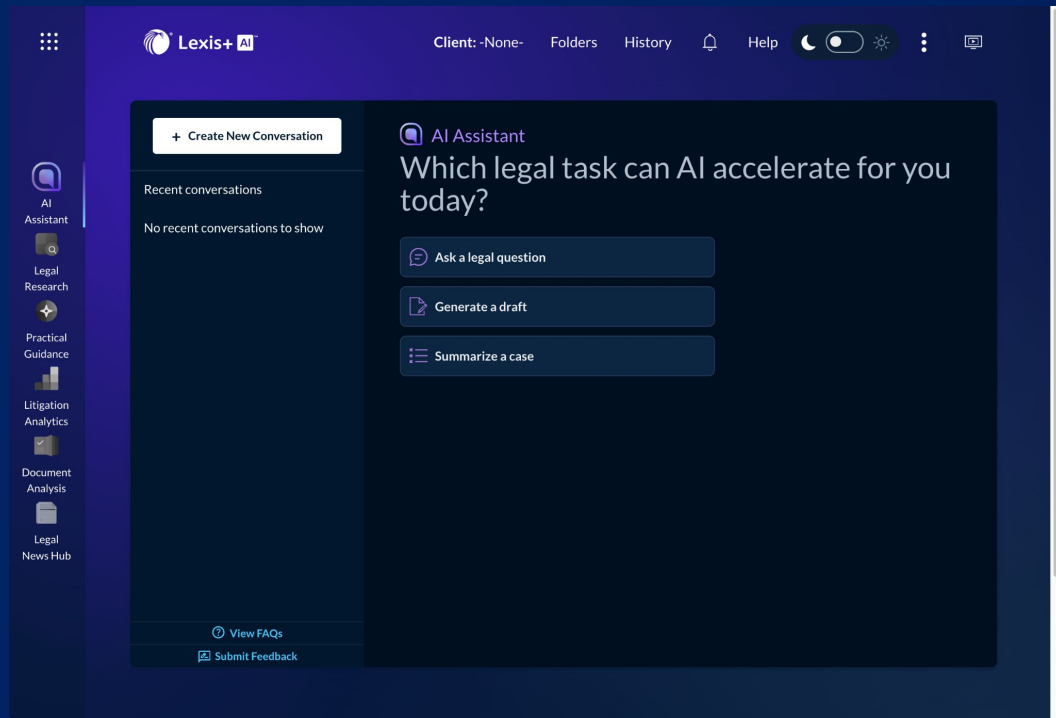
The screenshot displays the Westlaw Precision AI-Assisted Research interface. At the top, the navigation bar includes 'WESTLAW PRECISION', 'ABC - 1234', 'History', 'Folders', 'My links', 'Notifications', 'Co-Counsel', and a user profile icon. Below the navigation bar is a search bar with the placeholder text 'Enter terms, citations, databases, questions, anything...' and a dropdown menu set to 'CA, TX (SL & Fed.)'. To the right of the search bar are 'Search Type' and 'Advanced' options. Below the search bar is a 'GET STARTED' section with tabs for 'Cases', 'Statutes', 'Practical Law', 'Secondary Sources', and 'Regulations'. The main content area features a 'Welcome to Westlaw's AI-Assisted Research' heading with a 'Home' link. Below the heading is a 'Legal question' section with a text input field and a 'Submit' button. The 'Legal question' section includes instructions: 'Ask your legal research questions with more detail for better results.' and a 'Jurisdiction: CA, TX (SL & Fed.)' dropdown menu. A 'Learn more' link is located at the bottom left of the main content area.

Lexis+ AI

Chatbot-like interface, focused on “legal questions”, drafting, summarization.

Keeps “sensitive data secure” (?)

To date I find this tool less useful than others. (Less good than ChatGPT 4.)



The screenshot displays the Lexis+ AI web interface. At the top, the Lexis+ AI logo is visible on the left, and the user's client information, "Client: -None-", along with navigation links for "Folders", "History", "Help", and system icons for a moon, sun, and a three-dot menu, are on the right. A vertical sidebar on the left contains several icons and labels: "AI Assistant" (highlighted), "Legal Research", "Practical Guidance", "Litigation Analytics", "Document Analysis", and "Legal News Hub". The main content area features a dark background with a white button labeled "+ Create New Conversation" at the top. Below this, a section titled "Recent conversations" shows "No recent conversations to show". At the bottom of this section are links for "View FAQs" and "Submit Feedback". To the right of the "Recent conversations" section, the "AI Assistant" is active, displaying the question "Which legal task can AI accelerate for you today?". Below the question are three large, rounded rectangular buttons: "Ask a legal question", "Generate a draft", and "Summarize a case".

General Purpose (Platform) Tools

Two clear leaders in terms of LLM technology:

OpenAI: *GPT 4o / GPT 4*

Anthropic: *Claude 3 Opus*

Google: *Gemini*

Microsoft: *Copilot* (various versions) / Bing Chat [Open AI GPT derived]

Meta (Facebook): *Lambda* (open sourced)

Trends to Watch

Decreasing computational load. General purpose models are much faster, more efficient.

Multi-modal features built in. The same tool can read, write, interpret images, draw, compute, code.

Personalization adds a lot of power. Even a little training vastly increases the value of the models.

The Emerging AI Assistant. You + an AI is far better than You.

Current Recommendations

Use **GPT 4/4o** and **Claude**. Don't bother with the rest.

Try out new use cases. Anything routine, repetitive.

- never put anything private into the free version of these models

Give the LLM some **examples**, then ask it to do something.

The OpenAI **Custom GPT** Platform is super cool.

Custom GPTs

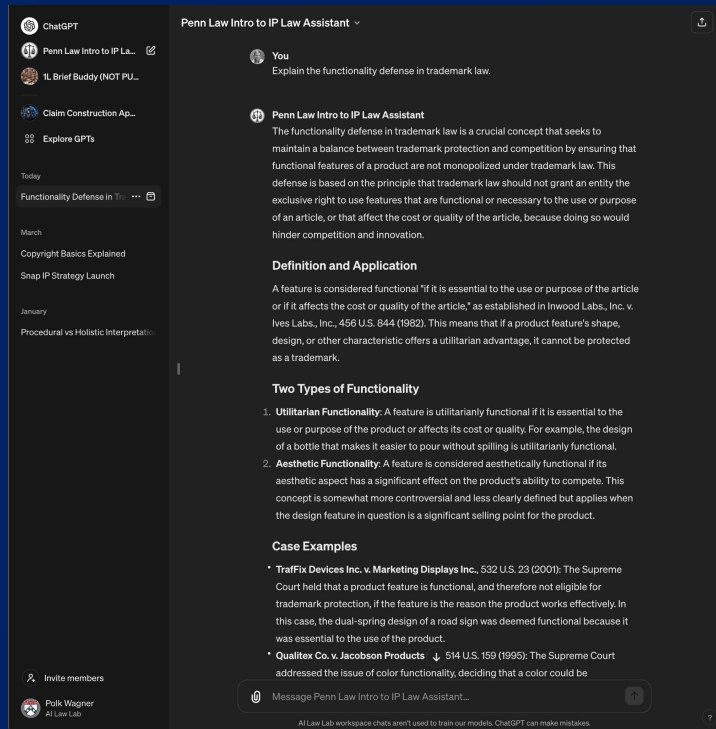
Easily create a customized version of ChatGPT.

Tell the model what tasks it should accomplish.

Upload documents to create a specific knowledge base.

Uses the underlying GPT-4 power, plus the specific knowledge base and task list.

Up and running in ~5 minutes.





Penn Law Intro to IP Law Assistant

By Meghana Bhimarao

Study and grading assistant for IP law at Penn Law School

Education

Category

16

Conversations

Conversation Starters

Explain the concept of copyright.

How do I grade this exam answer on trademarks?

Discuss the differences between patents and trade secrets.

Can you help me understand fair use?

Capabilities

- ✓ DALL-E Images
- ✓ Browsing
- ✓ Actions
Retrieves or takes actions outside of ChatGPT
- ✓ Data Analysis

Ratings

Not enough ratings yet

 Start Chat

Intro to IP Law Assistant

Designed to be a 24/7 TA for Intro to IP

Trained on course slides, recording transcripts, outlines, class problems, past exams & answers.

Extremely easy to develop. Very connected to the course content.

Strong student feedback.

Explain how *Star Athletica* defined the useful articles doctrine in copyright

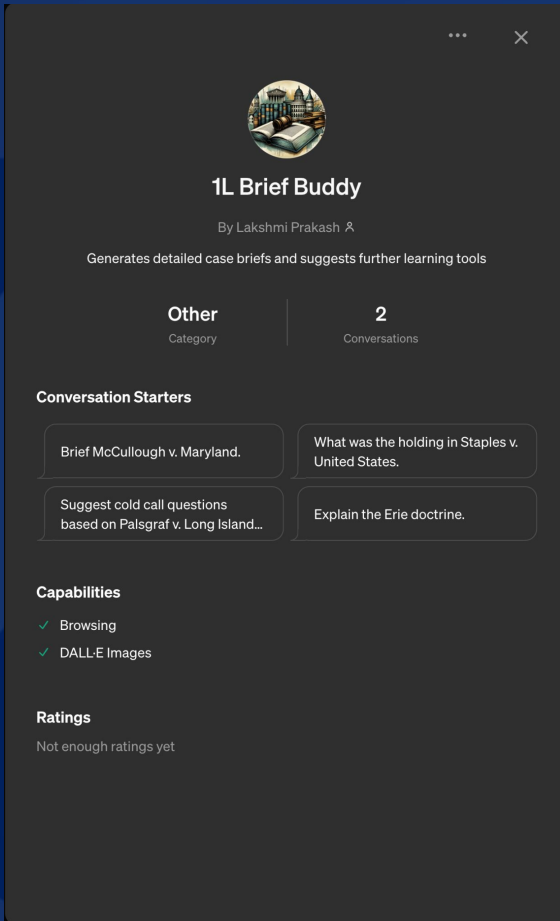


In the case *Star Athletica v. Varsity Brands*, the Supreme Court provided significant clarification on the useful articles doctrine under copyright law. The ruling established a clear test for determining when features of a useful article are eligible for copyright protection. Here's how *Star Athletica* defined and applied this doctrine:

- 1. Useful Articles Doctrine:** Generally, useful articles, which are items with an intrinsic utilitarian function, cannot be copyrighted. However, features of such articles may be copyrighted if they incorporate pictorial, graphic, or sculptural elements that are separable from the utilitarian aspects of the article.
- 2. Test for Copyrightability:**
 - According to **17 USC § 101**, the design of a useful article shall be considered a pictorial, graphic, or sculptural work if it:
 - Can be identified separately from the utilitarian aspects of the article, and
 - Is capable of existing independently of the utilitarian aspects of the article.
 - This test involves both a **separability analysis** and an **independent existence analysis**.
- 3. *Star Athletica*'s Application:**
 - The Court held that the designs on cheerleading uniforms (such as lines, chevrons, and colorful shapes) are eligible for copyright protection if they can be perceived as two-dimensional or three-dimensional works of art separate from the uniform itself and would qualify as protectable works on their own or when fixed in another tangible medium.
 - Justice Thomas, writing for the majority, stated that a feature of a design of a useful article is eligible for copyright if it can be identified separately and imagined apart from the useful article, qualifying as a pictorial, graphic, or sculptural work either on its own or when fixed in some other tangible medium.

In summary, the *Star Athletica* decision clarified that the features of a useful article are copyrightable if they can be visually separated from the article and exist independently as art. This established a significant precedent in copyright law regarding the protection of designs incorporated into functional items.





1L Brief Buddy

Helps a nervous 1L understand case briefs.

Trained on outlines from most of the top-10 law schools.

Users can ask it to:

- brief a case
- give sample cold-call questions
- explain the holding

Brief the Peevyhouse case



Peevyhouse v. Garland Coal & Mining Co. (1962)

Facts:

- Willie and Lucille Peevyhouse owned a farm in Oklahoma and leased part of it to Garland Coal & Mining Co. for strip mining.
- Garland agreed to restore the land after the mining was completed.
- Garland failed to restore the land, and the cost of restoration was estimated at \$29,000, while the value added to the farm by the restoration would be only \$300.

Procedural Posture:

- The Peevyhouses sued Garland Coal & Mining Co. for breach of contract, seeking damages for the cost of restoring the land.
- The trial court awarded them \$5,000.
- Both parties appealed, leading to a decision by the Oklahoma Supreme Court.

Legal Issue:

- What measure of damages is appropriate when the cost of performance is grossly disproportionate to the economic benefit?

Holding:

- The court held that when the cost of performance is grossly disproportionate to the economic benefit, damages are limited to the diminution in value resulting from non-performance. Thus, the Peevyhouses were awarded \$300. ↓



Message 1L Brief Buddy (NOT PUBLISHABLE)





[Research](#) [Products](#) [Safety](#) [Company](#)



May 30, 2024

Introducing ChatGPT Edu

An affordable offering for universities to responsibly bring AI to campus.



Coming soon?

<https://bit.ly/PennLaw-pedagogy-1>

Next Steps

Late Summer:

- an update on AI tools & advice for your fall courses
- (hopefully) more access to ChatGPT, other models
- we will build a tutorial on how to create Course GPTs



We'll continue our pedagogy conversations at the faculty retreat!

Meanwhile: Consider how you want to grow your teaching.

Talk with me about how I can help.