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Insights from Snowboard Pedagogy for the Legal Studies Instructor

Cover Page Footnote

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I. INTRODUCTION

This paper intends to inform and avail instructors of pedagogical approaches proven effective in winter sports environments, specifically in the sport of snowboarding, that we suggest may be particularly effective in teaching business law to non-law students in undergraduate business programs. We join other scholars in examining the approach to teaching business law to non-law students in an effort to develop the knowledge and skills necessary to manage the “dynamic and untidy”¹ legal issues that business professionals deal with, while mitigating the difficult and confusing subject matter and pedagogy associated with business law courses.² Broadly speaking, teaching requires the acquisition of skills and knowledge; teaching law, the practice of law, and snowboarding are no different.

Undergraduate business law courses are an essential accompaniment to the suite of curricula associated with various majors within business schools, such as management, accounting, economics and supply chain. It is particularly important for business school students to develop and retain skills and knowledge associated with legal studies for several reasons. Students’ exposure to legal studies concepts is typically limited, yet the topics are critical for developing the conceptual skill to understand and work within the broader business environment. A basic understanding of business law can help managers make sound business decisions, and in the wake of corporate scandals over the last twenty years, an awareness of the legal environment of business is ever more urgent. One important way that business law courses develop students’ knowledge and conceptual skills is through the critical thinking required to identify legal issues in cases presented and to apply abstract legal concepts to the management of those legal issues. This is often a difficult challenge for students; mastery requires high-impact learning experiences and significant applied practice. The same can be said of snowboarding knowledge and skills. A snowboard instructor can talk about snowboarding with a new athlete, but the athlete can only learn how to snowboard by the significant applied practice of snowboarding.

Business law instruction is similar to snowboarding instruction in a number of other, more specific ways. In both domains, it is critical that students receive frequent instruction on how to perform relevant skills and feedback on performance to improve at their craft.³ The learning curve is steep for both business law and snowboarding students – concepts are often not intuitive, they can be overwhelming, and it can be a frustrating and painful process. A common

¹ Rob Batty, *Well there’s your problem – the case for using PBL to teach law to business students*, 47 *The Law Teacher* 2, 243-260 (2013).

² See, Lampe M. Batty, *A New Paradigm for the Teaching of Business Law and Legal Environment Classes*, 23 *LEGAL STUD. EDUC.* 1, 1-51 (2006); Kanchana Kariyawasam and Hang Yen Low, *Teaching Business Law to Non-law Students, Culturally and Linguistically Diverse Students, and Large Classes*, 11 *J. OF UNIV. TEACHING & LEARNING PRAC.* 2 (2014); Eric Yordy, *Using Student Development Theory to Inform Our Curriculum and Pedagogy: A Response to the Secretary of Education’s Commission on the Future of Higher Education*, 25 *LEGAL STUD. EDUC.* 1, 51-73 (2008).

³ Daniel Spelmezan, *An Investigation Into the Use of Tactile Instructions in Snowboarding*, 14 *MOBILEHCI PROC.* 12, 417-426 (2012).

reason that snow sports enthusiasts give for avoiding snowboarding is the steep and often physically painful learning curve that must be endured.

In undergraduate business law courses, students are given background for the cases they study, yet spillover from law school pedagogy often means that business law instructors are hesitant to engage in high-touch practices that lead to internalized learning. Snowboard pedagogy provides several key insights into learning involving a shift from transmitting knowledge to facilitating active learning.⁴ We believe these insights have the potential to enhance dramatically student learning of business law concepts.

In this paper, we explore snow-sport pedagogy, snowboarding in particular, to gather specific insights into how to improve business law instruction in business schools. We first present a brief background describing the dominant paradigm in business law education, drawing from select scholarly literature on legal studies education in business, and then introduce sport and snow-sport pedagogy, including connections to legal studies pedagogy. We then turn specifically to snowboarding pedagogy, discussing how the development of the field generated specific pedagogical approaches in response to the nature of snowboarding as a sport. In particular, snowboard instructors have proven to be innovative and encouraged to disrupt pedagogical boundaries. Here, we offer specific core insights from snowboard pedagogy and how they may be applied to business law instruction.

II. BACKGROUND: BUSINESS LAW PEDAGOGY, SPORT AND SNOW SPORT PEDAGOGY, AND SNOWBOARDING PEDAGOGY

A. Business Law Pedagogy

In the United States and abroad, business law educators have expressed concern about the gap between how business law classes are taught and the needs of business students in understanding business law.⁵ Scholarly work examining business law pedagogy notes that business law professors largely teach their classes in the manner that they were taught in law school, focusing on a vast amount of content centered on decided cases, judicial opinions and legal rules to teach business law concepts.⁶ In one study, a legal studies scholar found a list of factors leading to an increase of topics addressed in the core curriculum of business law, including litigation, regulation, globalization, technology, compliance, and entrepreneurship.⁷ Furthermore, undergraduate business law textbooks are more often designed for pre-law and law students,⁸ reinforcing a law school-based method of teaching the subject. Pre-law and law

⁴ Richard Light, *Learner-centred Pedagogy for Swim Coaching: A Complex Learning Theory Informed Approach*, 5 ASIA-PACIFIC J. OF HEALTH, SPORT AND PHY. ED. 167–180 (2014).

⁵ Rob Batty, *Well there's your problem – the case for using PBL to teach law to business students*, 47 The Law Teacher 2, 243-260 (2013); Kanchana Kariyawasam and Hang Yen Low, *Teaching Business Law to Non-law Students, Culturally and Linguistically Diverse Students, and Large Classes*, 11 J. OF UNIV. TEACHING & LEARNING PRAC. 2 (2014).

⁶ Lampe M. Batty, *A New Paradigm for the Teaching of Business Law and Legal Environment Classes*, 23 LEGAL STUD. EDUC. 1, 1-51 (2006);

⁷ George J. Siedel, *Six Forces and the Legal Environment of Business: The Relative Value of Business Law among Business School Core Courses*, 37 AM. BUS. LAW J. 4, 717 (2000).

⁸ Kanchana Kariyawasam and Hang Yen Low, *Teaching Business Law to Non-law Students, Culturally and Linguistically Diverse Students, and Large Classes*, 11 J. OF UNIV. TEACHING & LEARNING PRAC. 2 (2014).

students expect and are socialized to the nature of law school pedagogy, however, business students neither are, nor should be. The overwhelming amount of information presented to students is not only unexpected and unwelcome, but drives students to engage in ‘cram and dump’ learning in an effort to keep up with the amount of information they are required to deal with. It also creates a gap between the instructor and student inasmuch as the instructor becomes a provider of information and the student becomes a consumer of information.

Unfortunately, two approaches recently advocated, the “environmentalist approach”⁹ and “prevention approach,”¹⁰ do nothing to migrate business law pedagogy toward a more problem-solving, application-based framework that engages business students in a way that is meaningful to them. The environmentalist approach consists of the use of business examples in legal concepts and rules, while maintaining the law school-centered approach of using cases, opinions and rules.¹¹ An example of this approach would be the use of a wrongful termination lawsuit (a business-related issue) brought against a religious organization, while focusing the lesson on an examination and interpretation of the religious freedoms protected by the 1st Amendment. The prevention approach focuses on teaching business students what they need to know in order to stay out of legal trouble.¹² While the laws covered may be related to business activities, the rapidly-changing legal landscape makes the content of a course designed around this approach a moving target for both the instructor and the student.

Both of these approaches ultimately encourage an increase in content which undermines the ability to use business law courses to help students understand and resolve law-related problems in organizations, exercise critical thinking, and make meaningful practical applications of legal concepts to their day-to-day work as business practitioners. While scholars continue to work for change (e.g., problem-solving approaches),¹³ business law instructors may learn from snowboard instructors.

B. Sports and Snow Sports Pedagogy

Coaching, like teaching, is an academic field subject to debate and scholarship.¹⁴ Sports pedagogy is an active scholarly discipline where scholars engage in new research programs;¹⁵

⁹ Assafa Endeshaw, *Teaching Law to Business Students: An Inquiry Into Curriculum and Methodology*, 36 THE LAW Teacher 1, 24-43 (2002).

¹⁰ Robert J. Morris, *Improving Curriculum Theory and Design for Teaching Law to Non-lawyers in Built Environment Education*, 25 STRUCTURAL SURVEY 3, 279-292 (2007).

¹¹ Assafa Endeshaw, *Teaching Law to Business Students: An Inquiry Into Curriculum and Methodology*, 36 THE LAW Teacher 1, 24-43 (2002).

¹² Robert J. Morris, *Improving Curriculum Theory and Design for Teaching Law to Non-lawyers in Built Environment Education*, 25 STRUCTURAL SURVEY 3, 279-292 (2007).

¹³ Rob Batty, *Well there's your problem – the case for using PBL to teach law to business students*, 47 The Law Teacher 2, 243-260 (2013)

¹⁴ Robyn L. Jones and Christian Edwards, *Activity Theory, Complexity and Sports Coaching: An Epistemology For a Discipline*, 21 SPORT, EDUC. AND SOCIETY, 2: 200-216 (2014) (authors highlight the complexity of coaching and approaches to sports instruction). See also Bryn Evans, *Sports Coaching as Action-in-context: Using Ethnomethodological Conversation Analysis to Understand the Coaching Process*, 9 QUALITATIVE RESEARCH IN SPORT, EXERCISE AND HEALTH, 1, 111-132 (2017).

¹⁵ David Kirk and Leen Haerens, *New Research Programmes in Physical Education and Sport Pedagogy*, 19 SPORT, EDUC. AND SOCIETY 7, 899-911 (2014).

they also seek to define and re-define the nature of coaching.¹⁶ Over the past 50 years, as with the field of business law, sports, physical education, and kinesiology pedagogy research has been influenced by social events, technical innovations, and changes in their fields.¹⁷ Research on the traditional wisdom in these fields has yielded new insight not only for their own fields, but has also impacted the field of business law pedagogy. Currently, this link is part of an ongoing discussion. One legal studies scholar has conducted significant research into the relationship between business law education and sports.¹⁸ However, the general focus of scholars integrating sports in business law is to incorporate sports examples into the business law curriculum, for example, to teach torts.¹⁹ We suggest that this approach is an example of the environmentalist approach noted above and does not represent a cross-disciplinary advancement in business law pedagogy.²⁰

Snow sports pedagogy is a subset of sports pedagogy. Snow sports fall under the category of extreme sports, which is a popular term for sports with a high level of inherent danger.²¹ Most snow sports pedagogy research explores skiing, with a limited focus on snowboarding. Alpine skiing is one of the most popular recreational winter sports with millions of skiers of varying ages and skill-levels around the world, which helps to explain the focus of snow sports pedagogy in this area. Some studies of snow sports pedagogy examine how to prevent accidents on the ski slopes by examining knowledge of safety rules.²² Other studies of skiing pedagogy offer insight into medical treatment of certain disorders.²³

C. Snowboarding Pedagogy

Little research examines snowboard pedagogy although snowboard associations have developed significant literature on how to provide snowboard instruction. Researchers have investigated the use of tactile methods in snowboarding where they look to artificial tactile stimuli such as watches or other technologies to guide athletes remotely.²⁴ The few studies that exist examine the relationship between skateboarding and snowboarding,²⁵ or the studies are less

¹⁶ Robyn Jones, *Coaching Redefined: An Everyday Pedagogical Endeavour*, 12 SPORT, EDUC. AND SOCT'Y, 2:159–173 (2007).

¹⁷ Charles B. Corbin, *C.H. McCloy Lecture: Fifty Years of Advancements in Fitness and Activity Research*, 83 PHYS. EDUC., REC. AND DANCE 1: 1–11 (2012).

¹⁸ Adam Epstein, *Teaching Torts with Sports*, 28 J. LEGAL STUD. EDUC. 1, 117-142 (2011); *See also*, Adam Epstein, *Go for the Gold by Utilizing the Olympics*, 29 J. LEGAL STUD. EDUC. 2 (2012); Adam Epstein and Bridget Niland, *Exploring Ethical Issues and Examples by Using Sport*, 13 *Atlantic L.J.* (2011); Adam Epstein, *The Fundamentals of Teaching Sports Law*, 4 WILLAMETTE SPORTS L.J. (2007).

¹⁹ Adam Epstein, *Incorporating Sport into the Ethics Segment of the Course*, 1 J. Bus. L. & Ethics Ped. (2017);

Adam Epstein, *Utah and Sports Law*, 28 MARQUETTE SPORTS L. REV. 1 (2018).

²⁰ Morris, R. (2007). Improving curriculum theory and design for teaching law to non-lawyers in built environment education. *Structural Survey*, 25(3), 279-292.

²¹ *See* Faye Stanely, *Teaching Artistry: Education's Extreme Sport*, 11 TEACHING ARTIST JOURNAL 3, 161-167 (2013).

²² Carolin Hildebrand and Esmeralda Mildner, *Accident Prevention on Ski Slopes: Perceptions of Safety and Knowledge of Existing Rules*, 43 ACCIDENT ANALYSIS AND PREVENTION 1421-1426 (2011).

²³ Liv Duesund and Ejgil Jespersen, *Skill Acquisition in Ski Instruction and the Skill Model's Application to Treating Anorexia Nervosa*, 24 BULLETIN OF SCIENCE, TECHNOLOGY & SOCIETY 3: 225-233 (2004).

²⁴ Daniel Spelmezan, *An Investigation Into the Use of Tactile Instructions in Snowboarding*, 14 MOBILEHCI '12 Proc. 417-426 (2012).

²⁵ Stefan Kunzell and Simon Lukas, *Facilitation Effects of a Preparatory Skateboard Training on the Learning of Snowboarding*, 43 KINESIOLOGY 1:56-63 (2011); *See also*, Hubbard, M., 13 *Human control of the skateboard*. JOURNAL OF BIOMECHANICS, 745-754 (1980).

academic and more popular approaches to snowboard instruction.²⁶ It appears that German scholars have conducted more research into snowboarding than other scholars.²⁷ Finally, snowboard scholarship is mostly concentrated on snowboard injuries.²⁸

As of the writing of this paper, none of the authors are aware of any extant literature discussing the relationship between snow sports pedagogy and business law pedagogy. Thus, this paper presents the first link between snow sports pedagogy and business law pedagogy. Furthermore, we believe this work represents the first substantive and applied cross-disciplinary contribution of sports pedagogy to business law pedagogy.

D. Pedagogical Insights from Snowboarding for the Legal Studies Business Law Instructor

Sports education, and snowboarding instruction, in particular, provides important insights for the business law instructor. Both domains benefit from a step-wise learning progression – in business law it helps students better understand the complexity of the subject.²⁹ In extreme sporting such as snowboarding, researchers examine risk management.³⁰ Relevant to this study's pedagogical examination, a step-wise approach to risk management in sports pedagogy teaches students how to control their environment. The first step to controlling the environment is understanding it.³¹ Additionally, both business law pedagogy and sports pedagogy seek to understand learning progressions.³² For example, half-pipe snowboarding (or pole vaulting) is a dynamic and beautiful event when done properly, yet its complexity is daunting to beginners.³³ Requesting a beginner to attempt a 360 or back flip without proper learning progression would expose the new athlete to injury. Several research studies have shown that teaching basic sport skills to students lays the foundation for future success.³⁴ Tellingly, verbal instructions in sports pedagogy appears to be the least effective for students.³⁵ Studies also suggest that sports education is an ideal setting for ethical development.³⁶ Business law and ethics are often associated with each other in business school curricula, either directly or indirectly.

While little research has been conducted in the area of snowboarding pedagogy, as discussed above, the American Association of Snowboard Instructors (AASI) has developed

²⁶ Andread Hebbel-Seeger, *SNOWBOARDING: GUIDE TO RIDE* (2004).

²⁷ See also, Daniel Memmert, *Snowboarding in sports lessons. General and specific preliminary training for the 'swinging after turning' movement*, 48 *SPORTUNERRICHT* 11: 453-461 (1999).

²⁸ J Torjussen and R. Bahr, *Injuries Among Elite Snowboarders (FIS Snowboard World Cup)*, 40 *BRITISH JOURNAL OF SPORTS MEDICINE* 3 (2006). See also, Curt Made and L. Elmqvist, *A 10-Year Study of Snowboard Injuries in Lapland Sweden*, 14 *SCANDINAVIAN JOURNAL OF MEDICINE & SCIENCES IN SPORTS*, 2:128-133 (2004).

²⁹ Eric Yordy, *Using Student Development Theory to Inform Our Curriculum and Pedagogy: A Response to the Secretary of Education's Commission on the Future of Higher Education*, 25 *LEGAL STUD. EDUC.* 1, 51-73 (2008).

³⁰ Jim Bemiller and Robin Hardin, *Risk Management in the Original Extreme Sporting Events*, 81 *J. OF PHYS. ED., REC. & DANCE*, 2, 23-28 (2013).

³¹ *Id.*

³² Richard E. Custin, John C. Demas, and Marc Lampe, *Discipline-based Instruction in Business Law*, 10 *J. OF INSTRUCTIONAL PED.* 4 (2013).

³³ Jim Bemiller and Robin Hardin, *Risk Management in the Original Extreme Sporting Events*, 81 *J. OF PHYS. ED., REC. & DANCE*, 2, 23-28 (2013).

³⁴ Vickie Grooms Denny, *External Attention for Teaching Sport Skills*, 80 *J. OF PHYS. ED., REC. & DANCE* 6, 59-60 (2009).

³⁵ S. A. Al-Abood, et. al., *Effect of Verbal Instructions and Image Size on Visual Search Strategies in Basketball Free Throw Shooting*, 20 *J. OF SPORT SCIENCES* 3, 271-278 (2002).

³⁶ S. Harvey, D. Kirk, & T.M. O'Donovan, *Sport Education as a Pedagogical Application for Ethical Development in Physical Education and Youth Sport*, 19 *SPORT, EDUCATION AND SOCIETY* 1, 41-62 (2014).

extensive training programs and published four handbooks for their instructors.³⁷ From these four handbooks, legal instructors can glean a number of pedagogical insights, each of which are presented below and connected to the types of experiences best suited to business law instruction for the non-law student, as discussed earlier.

1. Framing the Learning Experience as Relationship-Based

The AASI trains instructors how to think about shaping the student's experience in the context of relationship and the learning environment. The AASI has developed a model to help instructors build on this relationship foundation called the Snowboard Teaching System (STS). STS comprises three main concepts—teaching, riding, and service—and develops each extensively. Teaching addresses transfer of information. Riding is the technical aspect of how riders move on a snowboard and the effect that those movements have on snowboard and rider outcomes. Service addresses issues such as how to help students feel more comfortable, calm their fears, and how to build long-term engagement in the learning process.

We suggest that the AASI's core concepts - interpersonal relationships, experience in the context of those relationships, and understanding of how people learn in relationship – as well as the STS concept of 'service,' comprise an appropriate philosophical underpinning to business law teaching approaches. Shifting the current model of instructor-as-information provider to one where the instructor engages in teaching-learning interactions with the student from the perspective of relationship and social learning allows for the development of high-impact experiences, frequent interaction and timely feedback.

2. Creating Memorable Learning Experiences Through Communication

Effective communication is critical to effective instruction and memorable learning experiences. Communication is more than verbal skills; snowboard instruction often includes demonstrations. Demonstration can also be more effective than oral instruction for visual learners.³⁸ Snowboard instructors are encouraged to prepare students to listen and engage with them. Before riding down the hill an instructor might say, "Are you ready for this one?" or "I need you to listen to me for a minute." The AASI encourages instructors to constantly test the level of understanding the student has at any given time.³⁹

We suggest that preparing students to learn in this way plays a key part in creating memorable experiences for business law students as well. It contributes to high-touch experiences, provides an opportunity for feedback, and can act as a check if the student is overwhelmed or frustrated. Business law instructors can check in with an individual student or an entire class, and leverage the opportunity for feedback and responding to students' understanding and state of mind. This practice also reinforces the context of relationship in that the instructor is setting aside the material in favor of strengthening relationships with students and the class.

³⁷ LANE CLEGG, SNOWBOARD MOVEMENT ANALYSIS HANDBOOK (2003); JASON SCHETROMPF, SNOWBOARD TECHNICAL MANUAL (2014); HOLLY ANDERSEN, SNOWBOARD INSTRUCTOR'S GUIDE (2007); CHUCK HEWITT AND JASON SCHETROMPF, SNOWBOARD TEACHING HANDBOOK (2015).

³⁸ MAGGIE LORING, CORE CONCEPTS FOR SNOWSPORTS INSTRUCTORS 39 (2001).

³⁹ MAGGIE LORING, CORE CONCEPTS FOR SNOWSPORTS INSTRUCTORS 44 (2001).

III. DEVELOPING TRUST THROUGH POSITIVE INTERPERSONAL INTERACTIONS

Teaching students how to snowboard is as much about the psychological experience as it is the biomechanics.⁴⁰ Building relationships is the emphasis of the AASI, which in turn builds trust between instructor and student.⁴¹ Trust is required for the student to overcome the challenges of learning the daunting sport of snowboarding. In addition to framing the learning experience in the context of relationship and attention to communication in creating memorable learning experiences, a technique for building trust for snowboard instructors is to express their confidence in the student. “Confidence in your students’ ability to learn is as important as confidence in your ability to teach.”⁴² Instructors are reminded to smile, make comfortable eye contact, express genuine interest, and assess the emotional state of the student.⁴³

The interpersonal warmth described by the AASI in coaching snowboarding students is conceptually connected to affect-based trust in other business and management literatures, providing convergent support for the impact of this type of behavior. These types of interactions and the trust that they generate allow for high-touch and high-impact learning experiences and feedback, as well as allowing for an environment where students can express confusion about course concepts and any associated frustration without fear of repercussion. Given that both snowboarding and business law are challenging subjects for their respective students, we maintain that creating a climate of trust is one of the most important things that the business law professor can do to facilitate learning for the non-law student.

IV. CHALLENGING STUDENTS IN THE CONTEXT OF POSITIVE PSYCHOLOGY

Snowboard instructors are trained to understand “how people process information” because it “is critical to understanding how they learn, and therefore how best to teach them.”⁴⁴ A specific focus is in understanding that students who undertake a new sport, or any new task, risk a loss of self-esteem. For new snowboarders, loss of self-esteem can arise externally (being embarrassed in front of others or failing to meet expectations of a parent) or internally (reinforcing self-doubt or failing to meet one’s own expectations). Scholars have identified self-doubt, fear of being judged, and fear of being injured as the three major impediments to learning a snowsport.⁴⁵ In order to balance the challenging nature of learning to snowboard with student comfort levels, the AASI encourages their instructors to manage students’ expectations by keeping them realistic and to help students be patient.⁴⁶

Here, the AASI is drawing on positive sport coaching, which builds on the principles of positive psychology.⁴⁷ Positive sport coaching focuses on learner-centered, inquiry-based

⁴⁰ See KEVIN JORDAN, FREESTYLE TECHNICAL MANUAL (2016), TheSnowPros.org (last visited March 4, 2019) (The AASI has manual dedicated to the mechanics of snowboarding).

⁴¹ KEVIN JORDAN, FREESTYLE TECHNICAL MANUAL 4 (2016), TheSnowPros.org (last visited March 4, 2019).

⁴² KEVIN JORDAN, FREESTYLE TECHNICAL MANUAL 25 (2016), TheSnowPros.org (last visited March 4, 2019).

⁴³ KEVIN JORDAN, FREESTYLE TECHNICAL MANUAL 26 (2016), TheSnowPros.org (last visited March 4, 2019).

⁴⁴ KEVIN JORDAN, FREESTYLE TECHNICAL MANUAL 10 (2016), TheSnowPros.org (last visited March 4, 2018).

⁴⁵ GALLWEY AND KRIEGL, INNER SKIING (1997).

⁴⁶ KEVIN JORDAN, FREESTYLE TECHNICAL MANUAL 8 (2016), TheSnowPros.org (last visited March 4, 2018).

⁴⁷ Richard Light and Stephen Harvey, *Positive Pedagogy for Sport Coaching*, 22 SPORTS, EDUCATION AND SOCIETY, 2, 271-287 (2017).

approaches for effectively improving player/athlete ability, motivation and providing positive affective experiences. This latter category is key to snowboard instruction; positive affective experiences encourage participation and endurance in learning difficult snowboarding skills as well as promote patience and motivation.⁴⁸ Inspiring athletes to persist in learning is focal in positive sports pedagogy.⁴⁹

Positive psychology can likewise help business law students overcome the hurdles associated with learning a challenging subject. Positive psychology maintains a focus on well-being, satisfaction, happiness, the experience of “flow,” and optimism.⁵⁰ Business law instructors, like snowboard instructors, have the opportunity to remind students of the progress they are making while at the same time, keeping that progress in context. This acknowledgment helps students experience satisfaction and optimism as they move through their studies. Part of the frustration that non-law students express in business law classes stems from the complex, non-intuitive nature of the subject they are learning, particularly as it contrasts to other subjects that business students learn. This frustration and the loss of self-esteem that accompanies it can be mitigated by skills-based instruction, applied practice, high-touch learning activities, and frequent feedback. Setting realistic benchmarks for student learning and providing constructive and positively-framed feedback will help students experience self-efficacy and optimism in their business law classes. Students also have the opportunity to experience flow in meeting realistic benchmarks, and the satisfaction of progress contributes to their overall well-being.

V. THE SPECIFICS OF PROVIDING FEEDBACK FOR STUDENT SUCCESS

The current body of literature examining the role of feedback in sports suggests that successful coaches provide greater amounts of overall feedback in practice than do less successful coaches.⁵¹ In addition, coaches appear to be more effective when they present information in a manner that is positive and constructive.⁵² For example, studies of the coaching styles of John Wooden⁵³ and Pat Summitt,⁵⁴ both of whom are regarded as highly successful, reveal that they each deploy similar patterns of feedback. Wooden and Summitt’s feedback to their teams were predominantly comprised of instruction (50%),⁵⁵ followed by hustle and praise

⁴⁸ Richard Light and Stephen Harvey, *Positive Pedagogy for Sport Coaching*, 22 *SPORTS, EDUCATION AND SOCIETY*, 2, 271-287 (2017).

⁴⁹ LYNN KIDMAN, *ATHLETE CENTERED COACHING: DEVELOPING INSPIRED AND INSPIRING PEOPLE* (2005).

⁵⁰ SUSAN JACKSON AND MIHALY CSIKSZENTMIHALYI, *FLOW IN SPORTS* (1999).

⁵¹ Regina Markland and Thomas Martinek, *Descriptive Analysis of Coach Augmented Feedback Given to High School Varsity Female Volleyball Players*, *JOURNAL OF TEACHING IN PHYSICAL EDUCATION*, 7, 289–301 (1988).

⁵² Jean Côté, John Salmela, Pierre Trudel, Abderrahim Baria, and Storm Russell, *A Coaching model: A Grounded Assessment of Expert Gymnastic Coaches’ Knowledge*, 17 *JOURNAL OF SPORT AND EXERCISE PSYCHOLOGY*, 1, 1–17 (1995).

⁵³ Roland Tharp and Ronald Gallimore, *What a Coach Can Teach a Teacher*, 9 *PSYCHOLOGY TODAY* 8, 75–78 (1976).

⁵⁴ Andrea Becker and Craig Wrisberg, *Effective Coaching in Action: Observations of Legendary Collegiate Basketball Coach Pat Summitt*, 22 *THE SPORT PSYCHOLOGIST*, 2, 197-211 (2008).

⁵⁵ Roland Tharp and Ronald Gallimore, *What a Coach Can Teach a Teacher*, 9 *PSYCHOLOGY TODAY* 8, 75–78 (1976).

(48%).⁵⁶ Instructional feedback provides direction to guide the athlete; it can reinforce positive change, and redirect unproductive movements or actions.⁵⁷

The AASI teaches similarly generative feedback techniques. Snowboard instructors are taught that an integral part of the feedback process is to frame the experience for the student and reinforce efforts, and that feedback is best received if there is trust and mutual respect.⁵⁸ In this way, many of the other tenets of successful snowboard instruction are integrated into the feedback process, reinforcing the overall experience. Snowboard instructors are coached to make well-timed observations rather than judgments, and check to make sure the feedback was understood.⁵⁹ An example from one of the AASI training manuals follows:

Judgmental: “Nicholas, you still aren’t getting the correct turn shape.”

Objective: “Nicholas, the turn shape was tighter than the last time. Can you make it still tighter?”

Other points include the notion that students tend to be more receptive to feedback if the initial feedback is positive.⁶⁰ The idea here is that an initial positive framework will likely help the student remain positive. This has the effect of priming the student to perceive additional feedback as positive, a critical perspective when working with difficult tasks or materials.

Business law instructors can implement all of these characteristics in their feedback to students. Feedback in the study of law, and indeed academe more broadly, tends to be characterized by a critical tone. We believe that the AASI, in guiding snowboard instructors, provides a framework for feedback that is generative, positive, and easily applied. We expect that a shift toward well-timed, constructive feedback that is focused on instruction, and given in a respectful, positive and objective manner, will be perceived as high-touch, and will offset non-law students’ perceptions of the challenging and overwhelming nature of business law. Instructive feedback also reinforces applied practice of skills-based learning for students, providing a high-impact learning experience.

V. CONCLUSION

A seemingly unlikely connection, we believe that the shared characteristics of the learning processes for snowboarding and business law for the non-law student mean that the successful techniques that have catapulted snowboarding to a position of legitimacy in the sporting world can benefit business law instructors. Both are difficult subjects for students to learn; concepts that are challenging and counterintuitive require skills-based learning, applied practice and high-impact approaches in order to avoid student frustration and feelings of being

⁵⁶ Andrea Becker and Craig Wrisberg, *Effective Coaching in Action: Observations of Legendary Collegiate Basketball Coach Pat Summitt*, 22 THE SPORT PSYCHOLOGIST, 2, 197-211 (2008).

⁵⁷ HOLLY ANDERSEN, SNOWBOARD INSTRUCTOR’S GUIDE 44 (2007).

⁵⁸ HOLLY ANDERSEN, SNOWBOARD INSTRUCTOR’S GUIDE 44 (2007).

⁵⁹ HOLLY ANDERSEN, SNOWBOARD INSTRUCTOR’S GUIDE 44 (2007).

⁶⁰ HOLLY ANDERSEN, SNOWBOARD INSTRUCTOR’S GUIDE 45 (2007).

overwhelmed. Snowboard instruction has adapted to develop specific, successful techniques that emphasize getting to know students and placing the learning environment in a context of relationship, the creation of trust through positive interpersonal interactions, challenging students within the framework of positive psychology, and providing the kind of feedback that engages students in difficult work. That these techniques are easily applied suggests that success on the mountain can translate to success in the classroom.