

sibility includes placing adequate demands on students and, more important, placing high demands on law professors. Certainly, size and status affect the culture of any institution. Law schools are no exception. A teaching effectiveness program takes resources and significant commitment. Nonetheless, teachers have the ability to train and influence the next generation of lawyers, as well as the development of the law.

TEACHING METHODS & MEDIA

Problems with learning groups: an ounce of prevention

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The vast majority of problems with learning groups are both predictable and very nearly 100% preventable. Nearly all of the reported failures of learning groups are a natural consequence of group assignments that both prevent the development of effective learning teams and limit student learning. If instructors use appropriate group assignments and classroom management strategies, groups will naturally develop into effective learning teams that are able to both solve their own process problems and engage in productive work.

Regardless of the setting, newly formed task groups are likely to be stressful for members and very limited in their ability to engage in productive work. As a result, giving a group assignment does not guarantee that group members will learn from each other. Promoting the development of group cohesiveness is a key to using learning groups effectively. As groups develop into effective learning teams, and trust and understanding build to the point that members are willing and

able to engage in intense give-and-take interactions without having to worry about being offensive or misunderstood. This only occurs, however, if member work together over an extended period of time.

By correctly managing four key variables that affect group cohesiveness, instructors also create conditions that eliminate the vast majority of the commonly cited problems with learning groups. These variables are the physical proximity of group members, level of interaction required by the group task, availability of immediate and unambiguous external comparison/feedback on group performance and the consequences that are associated with group work.

What we know is largely a function of the number, complexity and inter-connectedness of the schemata in our long-term memory and, for practical purposes, consists of the information that we are able to retrieve and use. If a learning activity exposes us to new information that neatly connects to a hook in one of our schemata, then it is simply attached to the appropriate link.

Increasing the amount of information stored in students' long-term memory is only one of our challenges as educators. Developing the ability to use information requires establishing links between the information and a problem to be solved. These links are developed through a cycle in which learners act and receive feedback on their actions. The effectiveness of learning activities is enhanced when learning tasks expose students to information that exposes flaws in students' existing schemata. Further, the greater the clarity of the flaws, the greater is the intensity and persistence of elaborative rehearsal.

Effective learning teams naturally provide a feedback-rich learning environment that, in some ways, is superi-

or to many mentor-apprentice relationships. As groups move along the team of development process, they increasingly provide a source of motivation for members to prepare for and attend class and take responsibility for each other's learning.

One of the promising alternatives for covering content without lectures is the Readiness Assurance Process (RAP), described in detail by the authors, that is part of an instructional activity sequence used in team learning. In most cases, this process allows instructors to cover the same amount of material in less than a third of the time previously devoted to lectures. The RAP is used to introduce each major instructional unit and to ensure that students are intellectually prepared for assignments that are designed to build their higher level cognitive skills.

Although the potential impact of the RAP on students' ability either to use or to transfer knowledge is limited, it is still an extremely valuable teaching activity, because it creates a feedback-rich learning environment. The process builds both the intellectual competence of team members and their ability to work together to solve difficult problems.

Although providing feedback is potentially problematic, having students write an individual term paper is an excellent way to increase their long-term memory with respect to an important set of concepts. Although individual term papers are an excellent way to increase students' depth of learning, the impact of the same assignment, when given to groups, is likely to be much lower. Because writing is inherently an individual activity, groups are likely to use one of the counterproductive strategies to complete the assignment.

The indirect impact of learning activities is particularly important to instructors who want to do more than

simply disseminate information because, except in very small classes, it is virtually impossible for the instructor personally to provide the timely and specific feedback required for the development of students' knowledge use and transfer skills. As a result, using group activities and assignments is essential to the achievement of the many faculty members' desired instructional objectives. However, the activities and assignments must be insightfully designed. The natural consequence of ill-conceived group assignments is that they are likely to produce only one positive effect (increased learning of a subset of the material) but three negative ones (decreased learning of the remainder of the material; resentment from what is generally perceived to be an uneven sharing of the work load; and a residual student aversion to groups work).

On the other hand, by using insightfully designed in-class assignments, instructors can do far more than avoid problems with learning groups. They virtually ensure that their students will master basic content and, at the same time, they create a learning environment in which team members are able and willing to provide the quality of feedback needed for the development of higher level cognitive skills.

Learning to make business decisions in the shadow of the law

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Because most of the authors and most of the people who teach law in business school learned law in law school, business law textbooks present law in a manner that is familiar to people who have learned law in law school. The focus is on the exposition of rules of law and the application of those rules in lawsuits involving business people

and business entities. This may not be the most effective way to teach law in a business school. The primary shortcoming of this approach is that it does not provide business students with the kind of learning about the legal system and law that will best prepare them to do their work effectively.

Frequently, law is only an influencing factor that needs to be considered in selecting among available decision alternatives, rather than a determinative factor that prohibits or mandates a particular decision. To teach the decision-making framework three things are necessary. First, the students must read a business case that requires a business decision. Second, the students should have some background information concerning the business issue involved to provide them with support for their business decision. Finally, they should have law materials that set out the law that is applicable to the business decisions and that illustrate how that law has been interpreted and applied.

With such business and law materials students can apply the following five-step analytical framework to the business case. This framework provides the decision-maker with the necessary information to reach a reasoned final decision and implementation plan in business cases in which law is an influencing factor: (1) read the business management case; (2) read the law materials; (3) summarise the law that applies in this kind of legal action; (4) given the forgoing analysis, what final management decision should be made; and (5) how should the final management decision be implemented?

In Step One, the student is asked to advise what to do if there were no legal implications in the case. This step helps to emphasise that it is a business decision that is being made and that the student should consider the business implications of the decision first.

Step Two of the analytical framework begins to bring the influence of law into the decision-making picture. It does so by asking students to anticipate the future and to foresee how the business situation and decision at hand might evolve into a legal action. More specifically, the questions in step two ask students to identify (1) the parties to any possible legal action(s), (2) what legal claim would likely be made, and (3) what remedies a plaintiff might seek.

Step Three of the analytical framework requires students to pursue more fully the legal claim begun in Step Two. It requires students to summarise the law that is applicable to the case, identify the issues that will likely arise, foresee the arguments that the parties may make concerning those issues, and predict how the issues are apt to be resolved by a court.

In Step Four of the analytical framework, students return to their original decision in Step One and reconsider it in light of the shadow cast upon it by the law. Step Five requires students to go beyond making a decision to planning how to implement their decision. Effective managers understand that poor implementation can negate the value of a good decision. More particularly, students are asked how to implement their decision in a manner that will protect and enhance the decision-maker's legal position.

Law courses in business schools should provide business students with the kind of learning about law and the legal system that will best prepare them to do their work effectively, namely, that will enhance their abilities as business decision makers. To do this, students should analyse business cases in which law is an influencing, rather than determinative, factor that needs to be considered in selecting among decision alternatives.