

TEACHING METHODS & MEDIA

Deposing the 'tyranny of the extroverts': collaborative learning in the traditional classroom format

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The author decided to create a project that would serve four goals. Students would achieve greater understanding of constitutional law by collaborating with others to dissect and organise one area in depth and breadth. Students would achieve better overall learning by benefiting from the developed expertise of their colleagues, both during class discussions and by having access to 'study aids' prepared by their classmates. This would result in a work product in addition to an examination to evaluate each student's performance in the course, and that work product would reflect intensive and reflective work, not simply high-pressure performance in problem solving. Students would learn some of the skills for working together productively — skills fundamental to effective legal practice.

The project design involved dividing the class into teams of three students each, sorting the teams into three groups and assigning to each group one segment of the course. Each team worked independently to create a written product that had three parts. The first was an outline of the course for the assigned segment; for the second, they constructed an analytical pattern or flowchart to describe how a problem that raised an issue covered by that segment of the course should be analysed; and for part three they designed a complex hypothetical to test understanding of principles and interpretive strategies within a factual context.

The course syllabus explained the reasons for and the goals of the collaborative project. It laid out what students would gain by engaging in the

project, and described the project's three components.

Each team had as much access to the author as the members wished, but each had to meet with him at least once, approximately halfway through the unit for which it was responsible, to discuss the hypothetical. During the scheduled meeting to discuss the emerging hypothetical, he had the opportunity to teach students to think about the law in ways that were new to many of them. Designing hypotheticals teaches learners how to identify an issue relevant to legal problem solving, by embedding it in a fact situation. It exposes the 'undone' nature of a legal principle or set of rules, by posing questions for which a ready answer is not available. These meetings also served the broader purpose of ensuring that students were working steadily on their projects.

Once the first group of teams started working, a more drastic cognitive leap was occurring. The team members had a great deal invested in being able to understand the materials worked on within class. This gave them the incentive to raise thought-provoking questions and to test their ideas in class. They would rephrase principles and arguments in their own terms, simultaneously gaining mastery and conveying greater understanding to their classmates.

The dynamic was infectious. Virtually all the students participated on a higher plane, whatever their team affiliation. They lost their discomfort in allowing silent time to reflect upon responses to difficult questions.

The reported results of research on effective collaborative learning indicate that students more frequently use higher-level cognitive and moral reasoning strategies. They are also more likely to learn how to focus these strategies to solve problems and gain conceptual understanding. Moreover, working in groups teaches students to listen well and to reflect. By having to collaborate, the

author's students learnt the value of sharing ideas with people of diverse views and intellectual strengths. Their grasp of the law and their ability to communicate it effectively improved and that improvement reinforced the value of working collaboratively. The calibre of the teams' final written products was also gratifyingly high.

Research has shown that students learn better when they are actively involved in the learning process, and when they receive immediate feedback on their level of performance. The traditional Socratic law school classroom — the teacher-question/student-answer model — defines 'interactive classroom' and active learning very narrowly. Whether we use this Socratic model to conduct case reviews, pose hypotheticals, approach complex problems or engage in policy discussion, it has the distinctive limitation of defining interaction as what happens when a single student answers a teacher's questions (and other students listen in). This model also has a tendency to treat teacher control as essential to student learning and it reflects a belief that learning occurs only when the teacher witnesses it.

Because law students left to their own devices and not trained in complex interaction and collaborative skills tend to adopt parallel work strategies rather than truly collaborating, legal educators have a professional responsibility to teach students collaborative learning skills. Nonetheless, collaborative learning in law school is understudied — and perhaps underused.

Effective collaborative learning experiences require both good design (by the teacher) and good group interaction (by the students). Good design involves choosing substantive materials and goals that can be addressed in collaborative settings. It also requires attention to process: useful structures, suitable tasks, and workable forms of accountability. Good interaction requires students to have or acquire critical skills in communication, interpersonal relations,

conflict management, and task management. The teacher has primary responsibility for identifying what to teach through the collaborative setting and how to teach it.

Infusing passion and context into the traditional law curriculum through experiential learning

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Traditional legal education falls short in three major ways. First, we fail to feed our students' souls. We fail to nourish the passions and values that directed them toward law school. That is especially true for the students who were drawn to law school by the desire to help people or do public interest work. And for the group motivated by intellectual challenge, after the first year especially, law school often offers more rules, but no sense of developing skill. Second, we fail to provide the context for doctrinal learning that will both engage students and help them learn more effectively. Third, we fail to assess systematically what is actually happening in the classroom and to provide ongoing feedback to our students about their progress.

Two of the areas where legal education falls short — nourishing students' passion and providing context for doctrinal learning — are fundamental to effective student learning. Passion provides motivation for learning and provides a foundation for a satisfying life in the law. Context helps students understand what they are learning, provides anchor points so they can recall what they learn, and shows them how to transfer what they learn in the classroom to lawyers' tasks in practice. The role of passion in legal education cannot be separated from its role in our students' lives after law school. We are training students to participate in the legal profession.

As good teachers have always recognised, motivating and engaging students is the critical first step in helping students learn. This insight may underlie

the claim made by adult learning theory that effective education of adults requires understanding that they are typically self-directed, oriented toward problem-solving, and motivated to draw on their own experience. These characteristics suggest that legal education will be most effective if we can either build on students' existing interests and their motivations for attending law school, or assist them in creating visions of a rewarding future in law. Some students — those most like the typical law teacher — derive passion from the inherent intellectual challenge of legal issues. But for many other students that intellectual challenge is too abstract, especially if the issues are presented with minimal context. Their motivation must come from other sources.

Where should we look for alternative sources? Both individual people and the rich factual context of real life are missing from the heavily edited appellate cases that constitute the bulk of the traditional first-year courses. As a result, students who have a passion for people are often alienated from their legal education. Students whose passion is justice often encounter significant unwillingness to grapple with overarching issues of justice in the law school classroom. According to surveys, 20 to 40 percent of entering law students are motivated by the hope of engaging in public service. Yet law schools typically do little to maintain those aspirations. Nor do they create a school culture that will inculcate the values of public service in those students who enter law school with other motivations.

That service is a primary path to a satisfying life in law is supported both by the literature on the legal profession specifically and by lessons from research in medicine. In order to motivate students in law school and help them develop satisfying careers, we should nourish the passions our students enter law school with and help connect them to opportunities for service. We also need to provide context for their learning.

What does that seemingly simple term context mean for law school and why does it matter? One aspect of context is exposure to the people in the cases students read, and to the real-life factual circumstances in which a legal doctrine arises. In many of the appellate cases that students read the facts are so heavily edited that students can easily forget that the legal doctrines are applied to disputes involving real people. A second aspect is familiarity with the institutions and practices giving rise to legal disputes. A third aspect is familiarity with the legal institutions and processes in which legal doctrines are applied. A final aspect of context is familiarity with the legal tasks lawyers perform, and the ways in which knowledge of legal doctrine is integral to those tasks. Context provides a critical role both in determining how students will organise the information they study and in determining whether they will be able to retrieve it later in life.

If passion and context are central to effective legal education, then developing teaching methods that will generate passion and provide context should be a primary concern. One important strategy for accomplishing that goal should be incorporating experiential learning approaches into the traditional doctrinal curriculum. Such activities can include field trips or assignments to observe legal processes in action, or assignments that gather empirical information about the workings of the legal system.

Experiential learning should be integrated into the curriculum in the first year, not deferred until the second and third years. If passion and context are central to effective legal education, then from the beginning we should be attentive to those central concerns. Second, experiential learning in the first year ideally should include some real-life experiences, preferably experiences involving contact with clients. Real-life clinical experiences have an immediacy that engages most students in a way that simulations do not.