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Interactive Group Learning in the Legal Writing Classroom: An International Primer on Student Collaboration and Cooperation in Large Classrooms

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INTERACTIVE GROUP LEARNING IN THE LEGAL WRITING CLASSROOM: AN INTERNATIONAL PRIMER ON STUDENT COLLABORATION AND COOPERATION IN LARGE CLASSROOMS

ROBERTA K. THYFAULT AND KATHRYN FEHRMAN*

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I. INTRODUCTION

“A candle loses nothing of its light by lighting another candle.”¹ And the room gets brighter. In April 1997, the deans of the South African law schools agreed that law schools and law teachers should strive to ensure that their students acquire the skills they will need to practice law.² One way to meet this goal is to incorporate collaborative and cooperative learning techniques into the legal classroom.

We have many ways to engage our students and stimulate lifelong retention of the concepts and skills we teach in the legal classroom. One of the most effective ways to ensure that knowledge is thoroughly incorporated is to provide active learning experiences: experiences that allow students to solve problems, complete projects, and discover knowledge and conclusions for themselves. Students learn best by doing.³ This process of inexorably involving students in their own learning processes can be known as “experiential learning,”⁴ “kinesthetic learning”⁵ or “active learning.”⁶

Within the gamut of experiential and active teaching and learning techniques, two important techniques require that students work together in groups to arrive at a finished product: “collaborative learning” and “cooperative learning” exercises.

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1. Quote by James Keller.

2. Philip F. Iya, *The Legal System and Legal Education In Southern Africa: Past Influences and Current Challenges*, 51 J. LEGAL EDUC. 355, 359 (2001).

3. LINDA B. NILSON, *TEACHING AT ITS BEST: A RESEARCH-BASED RESOURCE FOR COLLEGE INSTRUCTORS* 83, 87, 119 (2003); *see generally* WILBERT J. MCKEACHIE ET AL., *TEACHING TIPS: STRATEGIES, RESEARCH AND THEORY FOR COLLEGE AND UNIVERSITY TEACHERS* (9th ed. 1994).

4. NILSON, *supra* note 3, at 119.

5. *Id.* at 83.

6. *Id.* at 87, 127.

Simply put, these exercises are formal instructional models that facilitate students' learning with their peers.⁷

Research has long shown that students who work in small groups learn and retain more than students who are taught by other techniques.⁸ This crucial bit of information has led many scholars and educators to explore a variety of models for supporting and involving students in group learning.⁹

Part II of this article will provide an overview of the scholarship of collaborative and cooperative learning and the associated definitions and techniques. Part III discusses the application of collaborative and cooperative learning techniques in the law school classroom and special considerations and suggestions for international and large law school classrooms. Finally, Part IV brings together and provides suggestions for collaborative and cooperative learning exercises and techniques for legal writing classrooms. This article concludes that collaborative and cooperative learning prepares law students to successfully meet the challenges of a diverse and changing profession.

II. CHOOSING ACTIVE, GROUP LEARNING TECHNIQUES: AN OVERVIEW OF THE SCHOLARSHIP OF COLLABORATIVE AND COOPERATIVE LEARNING

For each class session, legal writing teachers determine the most important knowledge to be conveyed to the students. The type of knowledge to be conveyed varies, sometimes from class to class, sometimes within the same session. The method of delivering knowledge also varies, depending upon the type of knowledge to be conveyed.¹⁰

Lecturing may be an efficient and effective method when we wish to provide factual knowledge, clarify organization of

7. SUSAN LEDLOW, CTR. FOR LEARNING & TEACHING EXCELLENCE, COOPERATIVE LEARNING IN HIGHER EDUCATION (1999), *available at* <http://clte.asu.edu/active/clinhighed.pdf>.

8. BARBARA GROSS DAVIS, TOOLS FOR TEACHING (1993), *available at* <http://teaching.berkeley.edu/bgd/diversity.html>.

9. NILSON, *supra* note 3, at 119; *see generally* THRESHOLD CONCEPTS WITHIN THE DISCIPLINES (Ray Land et al. eds., 2008) [hereinafter THRESHOLD CONCEPTS].

10. NILSON, *supra* note 3, at 93-95.

material studied or problem solving methods, provide our own personal or professional view of the material or adapt more complex materials or theories to our students' level.¹¹ On the other hand, other methods of teaching are more effective when we wish to facilitate "attitude change, development of thinking and problem solving skills, transfer of knowledge to new situations," raise students' satisfaction with the course, motivate further learning and raise levels of "post course retention of knowledge."¹² When students struggle with and arrive at new levels of understanding, they are transformed in some sense, not just "taught."¹³

Even when a lecture format is suitable for the educational goals and materials, one must keep in mind that adult students' attention spans are short. They rise for about fifteen minutes, then decrease dramatically until the last few minutes of a lecture.¹⁴ This finding tells us that lecturing is not the most effective way to convey knowledge. However, few scholars advocate active learning as an exclusive alternative to lectures. Most advocate using both lectures and active learning techniques, depending on the materials to be conveyed and the circumstances or context.¹⁵ Accordingly, it makes sense to enhance lectures with "group activity breaks" or to sometimes minimize or eliminate a lecture entirely and facilitate learning by providing group learning experiences: collaborative opportunities and cooperative exercises.

To select the best learning opportunities and exercises, it is necessary to first understand the accepted definitions of active, collaborative, and cooperative learning terms. These terms are explored in the next section.

11. *Id.* at 93, 95.

12. *Id.*

13. THRESHOLD CONCEPTS, *supra* note 9.

14. NILSON, *supra* note 3, at 94; Charles C. Bonwell & James A. Eison, *Active Learning: Creating Excitement in the Classroom* (The Nat'l Teaching and Learning F., Ed. No. 340272, 1991), available at <http://www.ntlf.com/html/lib/bib/91-9dig.htm>.

15. DONALD R. PAULSON & JENNIFER FAUST, ACTIVE LEARNING FOR THE COLLEGE CLASSROOM, <http://www.calstatela.edu/dept/chem/chem2/Active/> (last visited June 10, 2009).

A. Definitions of Collaborative and Cooperative Learning

Scholars have defined “active learning,” “collaborative learning,” and “cooperative learning” in a number of ways.¹⁶ Legal writers often use the words interchangeably.¹⁷ While “active learning” encompasses all opportunities to learn by doing, “collaborative learning,” “cooperative learning” and “team learning” all refer to a “teaching format in which students [interact with each other to] work on a task and learn in small groups.”¹⁸ While this article focuses on using interactive group-learning techniques in the legal classroom setting, it helps to be acquainted with some basic scholarly definitions to ensure the clearest understanding of the underlying pedagogy.

1. *Active Learning.* Students are given activities that encourage them to “reflect on ideas and how they are using them.”¹⁹ Students learn by doing rather than simply listening or reading, and the teacher guides them to explore their own perspectives and values as they incorporate knowledge.²⁰

2. *Collaborative Learning.* Students work together and learn from each other as each student brings his or her own ideas to the process.²¹ “[T]he label favored in the sciences, applies to a loosely structured coordination between or among students.”²²

3. *Cooperative Learning.* Students participate in activities more structured and planned than those in collaborative learning opportunities. Cooperative learning focuses upon: “(1) positive interdependence among . . . participants; (2) individual

16. David R. Arendale, *A Glossary of Developmental Education and Learning Assistance Terms*, 38 J. C. READING AND LEARNING 10, 13, 14, 16 (2007).

17. Elizabeth A. Reilly, *Deposing the “Tyranny of the Extroverts”*: Collaborative Learning in the Traditional Classroom Format, 50 J. LEGAL EDUC. 593, 603 (2000).

18. NILSON, *supra* note 3, at 127.

19. Arendale, *supra* note 16, at 13.

20. U. KY. TEACHING AND LEARNING CENTER, TEACHING STRATEGIES: ENHANCING STUDENT INVOLVEMENT (1997), <http://www.uky.edu/UGS/tlc/topic/teaching3.html>.

21. Arendale, *supra* note 16, at 14.

22. NILSON, *supra* note 3, at 127.

accountability . . .; (3) appropriate rationale and task purpose . . .; (4) structured student interactions with designated activities rather than free-form discussion; (5) instructor or expert peer facilitation; and (6) attention to development of social skills such as interpersonal communications and leadership development.”²³ Team learning is a “highly structured version [of cooperative learning] that thrives more on mutual, positive interdependence than on any other characteristic of cooperative learning.”²⁴

4. *Direct Instruction.* The teacher presents substantive material by lecturing or explaining, demonstrating, and managing student activities.²⁵ “Based on behavior modification principles, learning activities are sequenced and managed by the instructor to develop progressively more complex skills and knowledge.”²⁶

5. *Facilitating.* Students generate “discussion, discovery, and inquiry about academic content.”²⁷ The teacher administers and manages the students’ participation.²⁸

6. *Interdependent Learners.* These students possess strong interpersonal skills which enable them to work well as teammates in a learning group.²⁹ The important interpersonal skills most often cited are: “communication, analyzing learning tasks, and self regulated learning to monitor themselves and make adjustments individually and within the learning group.”³⁰

7. *Student-Centered Learning.* In individual settings, such as independent study, groups or regular classes, teachers relinquish the locus of control to the students. Teachers give the students substantial control over the topics and means to learn.³¹

23. Arendale, *supra* note 16, at 16.

24. NILSON, *supra* note 3, at 127.

25. Arendale, *supra* note 16, at 19; A.K. ELLIS & J.T. FOUTS, HANDBOOK OF EDUCATIONAL TERMS AND APPLICATIONS 70 (1996).

26. Arendale, *supra* note 16, at 19; ELLIS & FOUTS, *supra* note 25.

27. Arendale, *supra* note 16, at 20.

28. Arendale, *supra* note 16, at 20; ELLIS & FOUTS, *supra* note 25.

29. Arendale, *supra* note 16, at 21; ELLIS & FOUTS, *supra* note 25.

30. ELLIS & FOUTS, *supra* note 25.

31. Arendale, *supra* note 16, at 28; ELLIS & FOUTS, *supra* note 25.

These definitions help deepen and clarify understanding of the concepts which are used in creating learning groups and teams.

B. Creating Learning Groups and Teams

As we choose which subject matter and which exercises best fit our students' learning needs and our own teaching styles, we should keep two things in mind. First, most exercises may require using more than one of the teaching styles (or techniques) defined above. For example, in any of the exercises we choose, we may prefer to facilitate, rather than directly instruct, or allow for student centered exploration.

Second, as we guide our students through the maze of learning, especially our first year students, the aspect of effective human communication, and the success of those who master it, should not be underestimated. Meaningful and effective communication requires an understanding of the verbal and non-verbal signals and language of each communicator; otherwise, communication and learning will not be effective or truthful.³² For many students, the first year of law school is much like learning a new language. Thus, along with presenting the exercises and explaining the substantive goals of participation, the teacher should also consider drawing the students' attention to differences and similarities of communication styles and channels, guiding the students towards a middle ground of understanding.

With regard to the human communication element of group learning, it helps to be aware that certain grading systems, such as the curve, may work in opposition to the best possible outcomes. Some students may view the grading curve as inviting competition rather than cooperation. Thus, some scholars and educational development experts encourage using group learning "only with a criterion referenced grading system,"³³ lest they risk undercutting "the spirit of cooperation and the prospect of group success on which cooperative learning relies."³⁴ Presumably, forces contrary to the spirit of

32. JOSEPH A. DEVITO, HUMAN COMMUNICATION: THE BASIC COURSE 27 (6th ed. 1994).

33. NILSON, *supra* note 3, at 133.

34. *Id.* at 133.

cooperation are at work in the “real world” of actual lawyering as well, and this understanding raises many more substantial questions about what we are actually teaching law students in regard to civility and civilization. In any event, whether we teach our students to approach the world with trust, suspicion, outcome determinative goals, process orientation, or a spirit of cooperation is not the focus of this article. We accept the precept that most benefits of well managed collaborative and cooperative learning are present regardless of the grading system.

No matter what the overarching social philosophy, group learning can foster real changes in how students approach the task of learning and functioning as productive lawyers, including moving from passive to active and interactive participation, changing students’ perceptions of the locus of control (who or what is responsible for outcomes that effect lives), creating a sense of community interdependence, looking at classmates as a team and generally fostering more personal relationships with peers and instructors.³⁵

To provide the students with the optimum benefit from group learning, teachers must attend carefully to the mechanics of carrying out the activities. In all group learning activities, the students and the teacher are part of a classroom community, part of the learning team. Keeping in mind the precepts addressed earlier, it is up to each teacher to decide the size and composition of the groups, the overall goals to be achieved, the schedule and the activity. The teacher must decide how deeply the students will be involved in the administrative decision-making and leadership of the work. Once the teacher determines who makes what decisions, then it is up to the decision-makers to decide how the learners will be evaluated, how to reward joint effort, how decisions will be made in the group and what resources are necessary.³⁶

35. Arendale *supra* note 16, at 23; NILSON, *supra* note 3, at 129.

36. *Speaking of Teaching*, STAN. U. NEWSL. ON TEACHING (Center for Teaching and Learning, Stanford, Cal.) Winter 1999, at 2, available at <http://ctl.stanford.edu/Newsletter/cooperative.pdf> (citing JANE WESTBERG & HILLIARD JASON, FOSTERING LEARNING IN SMALL GROUPS: A PRACTICAL GUIDE (2004)).

C. Techniques to Help Ensure that the Exercises are as Productive as Possible

The teacher or facilitator should consistently look for techniques to ensure that the group exercises are as productive as possible. Professor Nilson posits that to gain the best effect from group learning, six essential elements should be carefully integrated: (1) positive interdependence; (2) individual accountability; (3) appropriate group composition, size, and duration; (4) face to face interaction; (5) genuine learning and challenge; and (6) explicit attention to collaborative social skills.³⁷

Each of these elements provides considerations to allow the groups to work together better, processing in deeper dimensions and arriving at more effective results. The teaching considerations involved in each of these elements are discussed in detail below.

1. Positive Interdependence. Members must feel they need one another, and it is important for each team member to feel personal responsibility for the success of every member of the team. This can be achieved by ensuring that each member has a specific role, by giving each member of the group a specific task or by giving group and individual quizzes to help the process along.³⁸

2. Individual Accountability. Members of the group should pull equal weight. This can be achieved by allowing peers to write performance evaluations of each other (a few times during the term, if the group is ongoing), by giving individual quizzes or by randomly selecting different students to speak for the group.³⁹ The teacher can also encourage equal contribution by handing out tokens for students to put into a group fund when they contribute something the group determines to be of merit and stop contributing when they run out of tokens.⁴⁰ At least one faculty development expert recommends assigning

37. NILSON, *supra* note 3, at 129-33.

38. *Id.* at 130.

39. *Id.*

40. *Id.* at 135-36.

individual homework or preparing a quiz for individual students *prior* to the group exercise to ensure everyone is prepared.⁴¹

3. *Appropriate Group Composition, Size, and Duration.* The teacher should compose the groups, keeping in mind the task and context of the project.⁴² Heterogeneous groups with a variety of opinions, perspectives and value systems can inspire vigorous debate and deepen learning because the students can benefit from each other's understanding.⁴³ Further, "slower" students benefit by learning from the "quicker" ones, and the "quicker" students learn better because they have to teach what they know to the rest of the group.⁴⁴ Holding groups together for longer durations often fosters "group loyalty" and refines communication and cooperation skills. Long term groups are also beneficial for long-term tasks.⁴⁵

4. *Face to Face Interaction.* Face to face interaction is important to developing and maintaining the group relationship.⁴⁶ On the other hand, email or other e-communication may serve the purpose of the group as well and can assist the teacher to keep track of the group's progress.⁴⁷ The teacher should be on guard against the students simply dividing up the tasks and going their separate ways.⁴⁸ The teacher can enhance the group experience and guard against the students simply dividing up tasks by using a combination of face to face interaction and e-communications.

5. *Genuine Learning and Challenge.* In designing a group learning assignment, either in pairs or groups, the teacher should "pose a genuine challenge that only more than one mind is likely to meet within the given time limit."⁴⁹ When pairs or groups are working on a harder task than would be assigned to a student working alone (either because of time or substance),

41. LEDLOW, *supra* note 7.

42. NILSON, *supra* note 3, at 131-32.

43. *Id.*

44. *Id.* at 131.

45. *Id.* at 132.

46. JUDY CORNELIA PEARSON & PAUL EDWARD NELSON, UNDERSTANDING & SHARING: AN INTRODUCTION TO SPEECH COMMUNICATION ch.8 (6th ed. 1994).

47. NILSON, *supra* note 3, at 132.

48. *Id.*

49. *Id.*

their synergy allows the students to go beyond what they have learned in the course thus far.⁵⁰

Exercises can be conducted in pairs or groups. Pairing is beneficial because it is difficult for one of a pair to escape full participation, the participants reach agreements more quickly and the pairing process takes less time to administer.⁵¹ Groups are beneficial to field a diversity of opinion and perspective, to avoid embarrassment to students who are not yet at their peers' levels and a larger group may arrive at a greater depth of understanding arising out of the sheer challenges of finding common ground with more people.⁵²

6. *Explicit Attention to Collaborative Social Skills.* These skills are the human communication skills that will serve the students for a lifetime no matter what career paths they choose. The teacher can assist the groups to behave as teams by specifying what social skills will assist the group to complete the project appropriately.⁵³ These social skills may include discussions, peer evaluations, modeling or praising good team behavior and allowing students time to "reflect on and process the quality of the [group's] work."⁵⁴ The teacher may encourage "listening actively, taking turns in talking, not interrupting, encouraging others, cooperating, sharing resources, being open-minded, giving constructive feedback, tactfully defending one's views, compromising and showing respect for others."⁵⁵

Preparing our law students to be lawyers is, of course, a multi-dimensional task. Selecting content carefully is one way to prepare the students for the world ahead. It is at least equally important to carefully and wisely choose the methods to convey content.⁵⁶ Because our students face a world in which team and cooperative efforts are most successful, it behooves us to

50. *Id.*

51. PAULSON & FAUST, *supra* note 15.

52. *Id.*

53. LEDLOW, *supra* note 7.

54. *Id.*

55. NILSON, *supra* note 3, at 129-33.

56. *See id.* at 136.

provide our students with learning experiences to cultivate their collaborative and cooperative skills.⁵⁷

III. APPLYING COLLABORATIVE AND COOPERATIVE LEARNING TECHNIQUES IN THE LAW SCHOOL CLASSROOM

As mentioned previously, legal educators often use the terms collaborative learning and cooperative learning interchangeably.⁵⁸ Professor Reilly has explained that while students in both groups “can critically engage in learning without direct supervision when given open-ended tasks[,] [c]ooperative learning groups take their direction from the teacher [and] [c]ollaborative learning groups provide their own directions and sources.”⁵⁹ Professor Reilly suggests that cooperative learning is best for novice learners because it is more suited for learning foundational knowledge, while collaborative learning is best for more experienced learners because it requires higher levels of judgment.⁶⁰

Whether they employ collaborative learning or cooperative learning, legal educators have embraced both learning techniques as a means of teaching students the skills they need as practicing attorneys.⁶¹ In 2007, two comprehensive reports identified ways to improve legal education in the United States.⁶² The *Stuckey Report*, sponsored by the Clinical Legal Education Association, identified several “Best Practices” for educating law students, including that teachers should “encourage collaboration among students and teachers.”⁶³

57. *Id.* at 132.

58. Reilly, *supra* note 17, at 603.

59. *Id.*

60. *Id.*

61. A.B.A. SEC. LEG. EDUC. & ADMIS. TO THE BAR, SOURCEBOOK ON LEGAL WRITING PROGRAMS 42 (Eric B. Easton et al. ed., 2d ed. 2006) [hereinafter SOURCEBOOK]; Vernellia R. Randall, *Increasing Retention and Improving Performance: Practical Advice on Using Cooperative Learning in Law Schools*, 16 T.M. COOLEY L. REV. 201 (1999).

62. ROY STUCKEY ET AL., CLINICAL LEGAL EDUC. ASS'N, BEST PRACTICES FOR LEGAL EDUCATION: A VISION AND A ROAD MAP (2007); WILLIAM M. SULLIVAN ET AL., EDUCATING LAWYERS: PREPARATION FOR THE PROFESSION OF LAW (2007).

63. STUCKEY ET AL., *supra* note 62, at 119.

Collaboration, in this context, included concepts of cooperative learning.⁶⁴ The *Stuckey Report* noted the long history of research showing the positive effects of collaborative or cooperative learning on students.⁶⁵ Furthermore, as Professor Dominguez observed, “[t]he research on cooperative learning makes a powerful case that working in small groups promotes students’ critical thinking, academic achievement, attitudes toward the course, and understanding of different viewpoints.”⁶⁶ These positive effects cut across racial, ethnic and gender differences.⁶⁷ Collaborative or cooperative learning techniques require the active involvement of all students. Thus, as Buckner reports, minority students participated more because they reported feeling less intimidated than in traditional classroom settings.⁶⁸

Collaborative or cooperative learning techniques promote academic excellence among students because students learn from one another.⁶⁹ They teach the students how to function in

64. See David Dominguez, *Seven Principles for Good Practice in Legal Education: Principle 2: Best Practice Encourages Cooperation Among Students*, 49 J. LEGAL EDUC. 386 (1999).

65. STUCKEY ET AL., *supra* note 62, at 120.

66. Dominguez, *supra* note 64, at 388 (quoting Gerald F. Hess, *Student Involvement in Improving Law Teaching and Learning*, 67 UMKC L. REV. 343, 350 (1998) (citing JAMES COOPER ET AL., COOPERATIVE LEARNING AND COLLEGE INSTRUCTION: EFFECTIVE USE OF STUDENT LEARNING TEAMS 1-5 (1990))).

67. STUCKEY ET AL., *supra* note 62, at 120 (citing Carole J. Buckner, *Realizing Grutter v. Bollinger’s “Compelling Educational Benefits of Diversity” – Transforming Aspirational Rhetoric Into Experience*, 72 UMKC L. REV. 877, 924-25 (2004)); see also Buckner, *supra*, at 939-46 (describing how author successfully integrates cooperative learning exercises into her first-year Civil Procedure class); Gerald F. Hess, *Heads and Hearts: The Teaching and Learning Environment in Law School*, 52 J. LEGAL EDUC. 75, 95 (2002) (discussing how cooperative learning allows for diverse perspectives and diverse learning styles); cf. Susan Bryant, *Collaboration in Practice: A Satisfying and Productive Process for a Diverse Practice* 17 VT. L. REV. 459, 478 (1993) (describing how collaborative process benefits from diverse viewpoints offered by persons with different perspectives and experiences, such as gender and race).

68. Buckner, *supra* note 67, at 929.

69. STUCKEY ET AL., *supra* note 62, at 120; TECHNIQUES FOR TEACHING LAW 132 (Gerald F. Hess & Steven I. Friedland eds., 1999) [hereinafter TECHNIQUES]; Bryant, *supra* note 67, at 487-89.

the hierarchy of the workplace they may find upon graduation.⁷⁰ They also increase the students' awareness of the need for public service and pro bono work.⁷¹ As Professor Hess reported, "cooperative learning not only helps students learn, it helps them to build community in and out of the classroom and to develop a greater sense of respect for one another."⁷²

Collaborative and cooperative learning techniques help students develop the skills they need to become collaborative lawyers. These skills include the ability to develop good professional judgment.⁷³ Collaborative and cooperative learning techniques also help students develop skills such as "critical thinking, reasoning, and problem solving" and "listening, expression, conflict resolution, negotiation, and consensus building."⁷⁴

70. Bryant, *supra* note 67, at 489.

71. STUCKEY ET AL., *supra* note 62, at 120; Dominguez, *supra* note 64, at 393-400.

72. Hess, *supra* note 67, at 95; *see also* Paula Lustbader, *Teach in Context: Responding to Diverse Student Voices Helps All Students Learn*, 48 J. LEGAL EDUC. 402, 414-16 (1998) (discussing the numerous benefits of collaborative learning).

73. *Cf.* ROBERT F. COCHRAN, JR. ET AL., *THE COUNSELOR-AT-LAW: A COLLABORATIVE APPROACH TO CLIENT INTERVIEWING AND COUNSELING* 7 (2d ed. 2006) (citing THOMAS L. SHAFFER, *AMERICAN LEGAL ETHICS: TEXT, READINGS, AND DISCUSSION TOPICS* 114-25 (1985) (citing Aristotle and others on "practical wisdom")) (Cochran observes that philosophers from Aristotle to modern legal commentators have recognized "that the central characteristic of a good lawyer is the ability to exercise practical wisdom. . . . In short, it is the ability to make wise judgments."), Dominguez, *supra* note 64, at 391-92, and ANTHONY T. KRONMAN, *THE LOST LAWYER: FAILING IDEALS OF THE LEGAL PROFESSION* 14-17 (1993) (identifying the "preeminent" element of the nineteenth-century lawyer-statesmen as "the trait of prudence or practical wisdom," a person with "good judgment"), with MARY ANN GLENDON, *A NATION UNDER LAWYERS: HOW THE CRISIS IN THE LEGAL PROFESSION IS TRANSFORMING AMERICAN SOCIETY* 231 (1994) (recognizing the need to teach law students both theory and "practical reason").

74. TECHNIQUES, *supra* note 69, at 132; *see also* Janeen Kerper, *Creative Problem Solving vs. The Case Method: A Marvelous Method Where Winnie-the-Pooh Meets Mrs. Palsgraf*, 34 CAL. W. L. REV. 351, 353 (1998) (discussing that the case method of teaching does not teach skills attorneys are required to know; "[p]articularly in the early stages of representation, good lawyering requires skills of listening, fact investigation, interest

Finally, the skills students learn through collaborative and cooperative techniques in law school, which often require them to work in a cross-cultural environment, help to prepare the students for working in a diverse work place.⁷⁵ As Professor Susan Bryant observed, some “cross-cultural differences go to the essence of defining the good lawyer, and others relate to the most effective way to communicate and solve problems. By educating lawyers about how to engage in joint work, lawyers can develop work habits that promote the synthesis of these diverse perspectives.”⁷⁶ Thus, it is through collaborative and cooperative learning techniques in law school that students learn the skills that are necessary to be a collaborative lawyer: listening, planning and the ability to work with a diverse group of people to successfully complete a project.

Nevertheless, utilizing collaborative and cooperative learning techniques in the law school classroom does pose challenges. Law students are so used to working individually, and to focusing on their individual grades, that they are often reluctant to engage in collaborative or cooperative exercises.⁷⁷ For example, Professor Evenson gave students in her experimental comparative law class four questions to answer as part of a cooperative activity.⁷⁸ She found that rather than working together to resolve the questions, the students divided the questions so each student in the group answered just one question.⁷⁹ Professor Evenson addressed this problem by

clarification, negotiation, and planning.”). These skills are necessary because, under the collaborative model of lawyering, the lawyer and client work together. JAMES E. MOLITERNO, *ETHICS OF THE LAWYER’S WORK* 130 (2d ed. 2003). Together the lawyer and client identify the client’s problem, devise a plan to resolve the problem and implement the plan. *Id.* at 130; *see also* COCHRAN ET AL., *supra* note 73, at 7-8 (lawyer and client must jointly deliberate and examine client’s alternatives to arrive at a solution); Kerper, *supra*, at 367-70 (employing creative problem solving strategies the lawyer and client work together to “SOLVE” the problem).

75. Bryant, *supra* note 67, at 460.

76. *Id.*

77. Carole Silver, *Adventures in Comparative Legal Studies: Studying Singapore*, 51 J. LEGAL EDUC. 76, 85-86 (2001).

78. Dorothy Evenson, *To Group or Not to Group: Students’ Perceptions of Collaborative Learning Activities in Law School*, 28 S. ILL. U. L.J. 343, 378 (2004).

79. *Id.* at 378.

crafting assignments that required all students to be engaged within the group.⁸⁰ She found that the more successful projects required students to work together to create hypotheticals, to create a group exam, to take a group exam or to create a business to manufacture and sell hats bearing the school's logo.⁸¹ As Professor Bryant notes, students must learn more than just how to work together.⁸² They must learn the skills necessary to ensure that every student in the group is encouraged and allowed to participate.⁸³ Students must accept that by fully engaging in the activity the group will produce a better result than the individuals working alone.⁸⁴

In addition to learning to work together as a group, law students must learn to work on group exercises without violating any policies the school has in place to prohibit plagiarism or academic dishonesty.⁸⁵ This concern can be addressed by discussing the school's academic policies and by giving the students clear directions for each assignment.⁸⁶

Introducing collaborative and cooperative learning techniques in the international classroom poses its own unique challenges. Nevertheless, these challenges can be overcome to provide rewarding learning experiences, even in the large classrooms common in many parts of the world.

A. Incorporating Collaborative and Cooperative Learning Techniques in the International Law School Classroom

Incorporating collaborative and cooperative learning techniques can be particularly challenging in international settings where law school classes are large and/or students may

80. *Id.*

81. *Id.* at 379; see also Reilly, *supra* note 17, at 595 (describing successful implementation of collaborative exercise in a Constitutional Law class, but noting students' initial concern that half their grade would be based on a group project).

82. Bryant, *supra* note 67, at 486.

83. *Id.* at 486-87.

84. *Id.* at 486.

85. SOURCEBOOK, *supra* note 61, at 42.

86. *Id.* at 42-43; see LEGAL WRITING INST., LAW SCHOOL POLICY V. PROPER ATTRIBUTION (2003), available at <http://lwionline.org/publications/plagiarism/policy.pdf> (identifying plagiarism policies for adoption by law schools).

not be accustomed to interactive learning. In many countries, law students are more accustomed to sitting in large classes listening to lectures and memorizing material for exams.⁸⁷ Nevertheless, educators have recognized the value these techniques offer in preparing international students for law practice. Therefore, collaborative and cooperative learning techniques have been successfully introduced around the world.

For example, in 1994, Professor Critchlow wrote of his experiences teaching in Romania.⁸⁸ He described how students spent many hours each week listening to lectures, taking detailed notes of those lectures, memorizing the civil codes and then preparing for oral exams.⁸⁹ The students rarely questioned authority or engaged in classroom discussions.⁹⁰ Nevertheless, Professor Critchlow successfully integrated skills exercises into a small comparative law class. These exercises required the students “to work together in problem-solving and advocacy.”⁹¹ In one such exercise he engaged his students in a jury selection exercise in a criminal case involving a Gypsy defendant.⁹² The exercise allowed Professor Critchlow to teach his Romanian students about the Anglo-American justice system, and it prompted the students to reflect on broader human rights issues, including racial bias.⁹³

87. See, e.g., Brooke K. Baker, *Teaching Legal Skills in South Africa: A Transition from Cross-Cultural Collaboration to International HIV/AIDS Solidarity*, 9 LEGAL WRITING: J. LEGAL WRITING INST. 145, 152 (2003) (describing legal education in South Africa as consisting of listening to “black letter lectures” and memorizing content for exams); cf. Mark Wojcik, *Overcoming Challenges in the Global Classroom: Teaching Legal Research and Writing to International Students*, 3 LEGAL WRITING: J. LEGAL WRITING INST. 127, 132 (1997) (describing the “culture shock” international students face when studying law in the United States because international students, especially students from civil law countries, are accustomed to listening to lectures and to not challenging authority, and thus, do not ask questions during class).

88. George A. Critchlow, *Teaching in Transylvania: Notes on Romanian Legal Education*, 44 J. LEGAL EDUC. 157 (1994).

89. *Id.* at 162.

90. *Id.*

91. *Id.*

92. *Id.*

93. Critchlow, *supra* note 88, at 162.

More recently, in 2004, Professor Caroline Nicholson, from the University of Pretoria, wrote of the challenges she faced teaching legal history to a demographically diverse and educationally under-prepared student body.⁹⁴ The challenges were compounded because of the large class sizes, which Professor Nicholson described as “the enemy of effective learning.”⁹⁵ Professor Nicholson called for a change to the way students had been taught.⁹⁶ She concluded that lecturers should change the way they teach to meet the needs of these students.⁹⁷ This change required lecturers to move toward “student-centered learning” and to adopt a “collaborative approach to learning.”⁹⁸ Professor Nicholson recognized that “[a] collaborative approach to learning encourages a healthy relationship between student and lecturer which will be characterized by increased participation and active engagement with the study material.”⁹⁹ She concluded that when students actively engage in the learning process, they begin to see how their classroom learning relates to their future legal careers.¹⁰⁰

B. Collaborative and Cooperative Learning Exercises for the Large Law School Class

Hess and Friedland, drawing on their own experiences and the experiences of other law professors, suggest several collaborative or cooperative learning exercises that can be introduced into the law school classroom.¹⁰¹ Three exercises specifically address large classes. In each instance, the students work together throughout the semester on hypotheticals or other problems the professors pose in their classrooms.¹⁰²

94. Caroline Nicholson, *The Challenges of Teaching Legal History to a Demographically Diverse and Educationally Under-Prepared Student Body*, 11 MURDOCH U. ELECTRONIC J. L. (Dec. 2004), available at http://www.murdoch.edu.au/elaw/issues/v11n4/nicholson114_text.html.

95. *Id.* at ¶ 40.

96. *Id.* at ¶ 38.

97. *Id.*

98. *Id.* at ¶¶ 38-39.

99. Nicholson, *supra* note 94, at ¶ 39.

100. *Id.* at ¶ 44.

101. See, e.g., TECHNIQUES, *supra* note 69, at 137-48; see also Hess, *supra* note 67, at 95-96.

102. TECHNIQUES, *supra* note 69, at 142-45.

For example, Professor Gary Minda, from Brooklyn Law School, divides his students into groups of three.¹⁰³ He then poses a question to the entire class and gives the students three minutes to discuss the problem in their groups.¹⁰⁴ At the end of three minutes, a group spokesperson summarizes the group's discussion for the entire class.¹⁰⁵

Similarly, Professor Rick Nowka, from Louis D. Brandeis School of Law University of Louisville, uses cooperative learning exercises in his large classes.¹⁰⁶ Professor Nowka divides his students into groups of five to seven, taking care to ensure gender and racial diversity within each group to the extent possible.¹⁰⁷ He seats group members near one another.¹⁰⁸ Then, throughout the semester, the students will break into their groups to discuss concepts that have been difficult for them or problems and hypotheticals Professor Nowka poses to the class.¹⁰⁹ The discussions usually last no more than ten minutes.¹¹⁰ At the end of the discussion, each group summarizes its discussion for the entire class.¹¹¹

Finally, Professor Steven Friedland, from Nova Southeastern University Shepard Broad Law Center, divides his students into groups of two.¹¹² He then poses a question to the class and asks each student to write down their answer to the question.¹¹³ The students then discuss their answer with their partner, or they critique their partner's writing, if the assignment is a writing

103. Gary Minda, *Three Minute Discussions*, in *TECHNIQUES FOR TEACHING LAW* 142-43 (Gerald F. Hess & Steven I. Friedland eds., 1999).

104. *Id.* at 142-43.

105. *Id.*

106. Rick Nowka, *Cooperative Learning Groups in a Large Class*, in *TECHNIQUES FOR TEACHING LAW* 143-44 (Gerald F. Hess & Steven I. Friedland eds., 1999).

107. *Id.* at 143-44.

108. *Id.*

109. Nowka, *supra* note 106, at 143.

110. *Id.*

111. *Id.*

112. Steven I. Friedland, *Pair Participation in Large Classes*, in *TECHNIQUES FOR TEACHING LAW* 144-45 (Gerald F. Hess & Steven I. Friedland eds., 1999).

113. *Id.* at 145.

assignment.¹¹⁴ The students also role play while working in pairs, taking on the roles of a client, a witness, or opposing counsel.¹¹⁵ Following the group role plays, one group is called upon to role play before the entire class.¹¹⁶ Working in pairs, students can also explain to one another the rules from the cases they have been studying.¹¹⁷ Thus, the students learn whether they understand the rule, and they learn how to communicate the rule.¹¹⁸

None of these three learning exercises should be seen as “better” than the others. Each can be incorporated into the classroom at different times during the course. Factors such as time and class size may impact a teacher’s exercise selection. For example, it may take less time for pairs of students to discuss a question than for each student to write out an answer and discuss the answer with a partner. On the other hand, if writing is a goal of the course, then the teacher might select exercises that require the students to write. Therefore, the teacher’s specific teaching goals will guide the selection of the group activities.

IV. SUGGESTED COLLABORATIVE AND COOPERATIVE LEARNING EXERCISES FOR THE LARGE LEGAL WRITING CLASS

Collaborative and cooperative learning exercises are particularly effective in legal writing classes, even classes with large numbers of students. As Hess notes, “[w]riting exercises can be in or out of class, formal or informal, graded or ungraded.”¹¹⁹ Hess and Friedland suggest several additional collaborative and cooperative exercises that can be used in a legal writing class.¹²⁰

114. *Id.*

115. *Id.*

116. *Id.*

117. Friedland, *supra* note 112, at 145.

118. *Id.*

119. Hess, *supra* note 67, at 103, n.83.

120. TECHNIQUES, *supra* note 69, at 145-46 (citation exercise), 241-43 (scrambled sentences) and 245-53 (peer editing).

A. Peer Editing

Professor Kathleen Magone, from the University of Montana School of Law, uses a peer editing exercise.¹²¹ Peer editing involves students reviewing and commenting on other student's writing.¹²² Students can peer edit any writing assignment: a completed memorandum or brief; one section of a document, such as a statement of facts or a paragraph synthesizing the rules that will guide the analysis; or a transactional document, such as a trust, a complaint, a contract, or a settlement agreement.¹²³ A successful peer editing exercise requires that the students be given a structured worksheet or checklist to follow while doing the peer edit.¹²⁴

We, the authors, have successfully used peer editing exercises in first year and upper division legal writing courses. In each instance, students exchange papers to act as a peer editor for their partner. We give the students a detailed worksheet to guide them as they edit. We design the worksheet questions so students are required to look for the lessons we teach within a particular assignment. For example, we ask the peer editor to note whether the writer began paragraphs with topic sentences and to circle passive voice so the writer can determine whether active voice would be better.

We have also used a variation of a peer editing exercise that requires students to work in groups rather than pairs. For this exercise, students use materials from prior lectures and assigned readings to draft a specific section of a legal memo or brief: a Statement of Facts, a Question Presented or a Brief Answer. The students submit their drafts to the professor a few hours before class, either electronically¹²⁵ or in a paper copy.¹²⁶ The

121. Kathy Magone, *Peer Editing*, in *TECHNIQUES FOR TEACHING LAW* 245-53 (Gerald F. Hess & Steven I. Friedland eds., 1999).

122. Kristin K. Davis, *Designing and Using Peer Review in a First-Year Legal Research and Writing Course*, 9 *LEGAL WRITING: J. LEGAL WRITING INST.* 1, 1, n.2 (2003).

123. See, e.g., Magone, *supra* note 121, at 245.

124. Magone, *supra* note 121, at 245-53; Davis, *supra* note 122, at 7-9, 16-18.

125. The students submit papers electronically to our course websites through The Westlaw Educational Network ("TWEN").

126. The school maintains a drop box in the main classroom building where students can submit legal writing assignments. The box contains a

professor randomly reviews samples from the submitted papers, looking for examples that illustrate points that were made in a prior lecture or in the readings. Several examples are pulled and copied for each class member, with any identifying information such as names or student numbers removed. In class, the students are divided into groups and given the task of critiquing the samples. One student is designated the reporter and is required to record and report on the group's findings. The professor walks around the room as the groups discuss the samples, to answer questions and to ensure that the conversations stay on track. The class then reconvenes to discuss the samples. During this discussion, the designated group reporters point out what the individual groups found that the authors did well and what needs improvement.

Working as a group, the students find, in the student examples, the lessons we presented in our lectures and in the assigned readings. As we walk around, we hear the students discussing the concepts from an earlier lecture or the readings. The students who are having an easier time with this part of the assignment often explain the concepts to the students who are having a more difficult time. Finally, students have reported, anecdotally, that this exercise is very helpful because it utilizes the specific writing assignment they are currently working on, and it helps them see how their work compares to the work of others.

Peer editing exercises offer many benefits for students. The students are able to see weaknesses in their papers that they would not have seen on their own and then address those weaknesses before the papers are submitted for a final grade.¹²⁷ The result is that the students turn in better work, which makes grading easier for legal writing professors.¹²⁸ In addition, peer editing teaches students the writing, editing and cooperation

slot for each legal writing class.

127. Magone, *supra* note 121, at 245; Davis, *supra* note 122, at 10-12.

128. Magone, *supra* note 121, at 245; Davis, *supra* note 122, at 12; *cf.* Bryant, *supra* note 67, at 473, 488-89 (noting that “[d]iversity in perspective can be invaluable” because it helps an attorney generate ideas for a brief and helps an attorney know whether the arguments in the brief are persuasive and discussing how, in a clinic setting, a student helped her co-counsel change the tone of a document so it became more persuasive).

skills they need for law practice.¹²⁹ It also teaches students to listen to others and to learn to accept critiques from peers, skills that are, again, valuable for future law practice.¹³⁰

B. Scrambled Sentences

Hess and Friedland also describe a collaborative learning technique, well-suited to large writing classes, called "Scrambled Sentences."¹³¹ The exercise is used by Professor Brannon Heath, from Touro College Jacob D. Fuchsberg Law Center.¹³² For one version of this exercise, Professor Heath prepares a well-structured paragraph with twelve sentences.¹³³ Professor Heath scrambles the sentences and places a number next to each sentence.¹³⁴ She gives a copy of the scrambled paragraph to each class member.¹³⁵ The students are then divided into small groups. Each group is given an envelope containing the twelve individual sentences that had been cut apart from the paragraph.¹³⁶ The groups are directed to reassemble the sentences in the correct order.¹³⁷ Professor Heath rewards the group who successfully reassembles the paragraph first by allowing that group to leave class early.¹³⁸

A variation of this exercise can be designed so the students would be given a time limit for working on the puzzle, then the entire class could reconvene and reassemble the paragraph. This would allow for a review of concepts such as paragraph unity, paragraph cohesion and topic sentences.¹³⁹ As Professor Heath suggests, this exercise can also be used for teaching

129. Magone, *supra* note 121, at 245-46; Davis, *supra* note 122, at 2.

130. Magone, *supra* note 121, at 245; Davis, *supra* note 122, at 3.

131. Brannon Heath, *Scrambled Sentences*, in *TECHNIQUES FOR TEACHING LAW* 241-43 (Gerald F. Hess & Steven I. Friedland eds., 1999).

132. *Id.* at 243.

133. *Id.* at 241.

134. *Id.*

135. *Id.* at 241-43.

136. Heath, *supra* note 131, at 241-42.

137. *Id.* at 242.

138. *Id.* at 241-43.

139. See e.g., LAUREL CURRIE OATES & ANNE ENQUIST, *THE LEGAL WRITING HANDBOOK: ANALYSIS, RESEARCH, AND WRITING* 585-89, 591-95 (4th ed. 2006).

organization for any written document or part of that document.¹⁴⁰

C. Group Legal Research Exercises

Collaborative or cooperative learning exercises can also be used to teach legal research. For example, Professor Thomas Michael McDonnell successfully incorporated collaborative research exercises into his first year research and writing course.¹⁴¹ He first assigned his students to read about a specific research tool.¹⁴² Then, during the first twenty minutes of class, he lectured about that tool.¹⁴³ The students then went to the library and, working in groups of three, used that tool to research the specific issue that had been assigned to their group.¹⁴⁴ Professor McDonnell and his teaching assistants were available to answer questions.¹⁴⁵ One student in each group recorded the group's answers to turn in at the end of the class.¹⁴⁶ The students had access to an answer key during class so they could verify the accuracy of their work.¹⁴⁷ Professor McDonnell found that this exercise helped students learn the often-confusing array of research tools and to practice their research skills in a short time period.¹⁴⁸

D. Group Writing Exercises

Professor Dominguez describes several cooperative exercises that can be incorporated into a variety of law courses.¹⁴⁹ One exercise would work well in a large legal writing class. For this exercise, Professor Dominguez assigns each group a writing

140. See Heath, *supra* note 131, at 242-43 (explaining how Professor Heath uses "scrambled sentences" exercises with substantive material from a brief and with the summary of argument).

141. Thomas Michael McDonnell, *Joining Hands And Smarts: Teaching Manual Legal Research Through Collaborative Learning Groups*, 49 J. LEGAL EDUC. 363 (1990).

142. *Id.* at 365.

143. *Id.*

144. *Id.*

145. *Id.*

146. McDonnell, *supra* note 141, at 365.

147. *Id.*

148. McDonnell, *supra* note 141, at 371.

149. Dominguez *supra*, note 64, at 389-91.

task to work on throughout the semester.¹⁵⁰ For example, he may ask the students to draft a statute or write an appellate brief.¹⁵¹ The students must be prepared to explain their progress on the assignment to the entire class at any time during the semester.¹⁵² This assignment could be adapted to work with other writing assignments, such as legal memorandums, contracts, wills and trusts, leases and settlement agreements, depending on the nature of the class. These exercises can help students broaden their perspectives on the materials they are learning by sharing each other's unique points of view.¹⁵³

E. Additional Exercises to Use in a Large Legal Writing Class

The discussion below presents additional exercises which were developed in a variety of classrooms to address many different substantive matters. They are easily adapted and are suitable to the large legal writing classroom. These suggested exercises can be combined or modified to suit a given class or context. The following exercises are but a few more ways groups can learn together in an organized fashion.

1. *Pair or Group Discussion.* Pose a question (or questions) for pairs or small groups to discuss. Circulate around the room, answering questions and asking more questions. Then, the group shares their discussion points with the class.¹⁵⁴

2. *Active Review Sessions.* Place students in pairs or groups for discussion. Then, rather than the usual format of having students ask questions for the teacher to answer, the teacher and students pose questions for groups or pairs to answer.¹⁵⁵

3. *Citation Exercise (e.g. ALWD¹⁵⁶, Bluebook¹⁵⁷).* The teacher provides a brief fact pattern describing the location of legal authority, including cases, statutes, treaties, constitutions,

150. *Id.* at 390.

151. *Id.*

152. *Id.*

153. Dominguez, *supra* note 64, at 391.

154. PAULSON & FAUST, *supra* note 15.

155. *Id.*

156. DARBY DICKERSON, ALWD CITATION MANUAL: A PROFESSIONAL SYSTEM OF CITATION (3d ed. 2006).

157. THE BLUEBOOK: A UNIFORM SYSTEM OF CITATION (Columbia Law Review Ass'n et al. eds., 18th ed. 2005).

articles and so on. For example: “The government of Australia filed a complaint against Japan to determine the Jurisdiction of Fisheries. The case was decided by the International Court of Justice on March 8, 2008. It appears at page 35 of the Report of Judgments, Advisory Opinions and Orders.” Working together in groups or pairs, the students arrive at the correct full citations using the assigned citation authority.

Then, students work with citations to show what they look like in different placements within a paper. The following are examples of some possible questions for the government of Australia problem mentioned above: (1) Provide a proper citation to Article 5 of the North Atlantic Treaty, signed on 4 April 1949, by more than three countries. The citation will appear in a citation sentence. (2) Will your citation be different if it appears in a textual sentence? (3) Provide a short form cite to the treaty, in a citation sentence, if there has been no intervening citation. (4) Provide a short form cite, in a citation sentence, if there has been an intervening citation.

When the students’ work is complete, the teacher provides the correct citations so the groups can check their work.

4. *Blackboard Citation Exercise* (e.g. *ALWD*¹⁵⁸, *Bluebook*¹⁵⁹). This exercise can work for a number of projects or problems. It may be used to ensure the students have the correct citations for their current writing projects, or it may be used as a modification or gloss to the “Citation Exercise” in the previous section. Students go to the blackboard, work in small groups, and write the correct citations for their cases and other authority for the rest of the class to see.¹⁶⁰

5. *Visual Lists*. For this exercise, students may work in pairs or groups, at their desks or at the blackboard. Students make as comprehensive a list as possible addressing the pros and cons of a position, causes of action or key words for computer or indexed research.¹⁶¹ People typically generate far more thorough lists when working in groups.¹⁶²

158. DICKERSON, *supra* note 156.

159. THE BLUEBOOK, *supra* note 157.

160. Adapted from PAULSON & FAUST, *supra* note 15.

161. *Id.*

162. PAULSON & FAUST, *supra* note 15.

6. *Jigsaw*. This exercise works well for multi-faceted assignments. Each group has a part of the assignment to complete. Once each group has completed its part, the groups join their parts together with the other groups in a cohesive whole.¹⁶³ For example, one group may have the task of drafting the Issue for a memo. Another group must find and iterate the Umbrella Rule.¹⁶⁴ Yet another writes the Explanation, another the Analysis and another the Conclusion. Then, the students combine all their parts to create the completed document. Jigsaws can be constructed on more than one level as well, by assigning each member of a group one part of the group's piece.

7. *Role Play*. Role playing can work in a variety of ways. Groups can role play in front of the class, in front of smaller groups, or take on characters or positions during small group discussions or full class discussions. When a trial or deposition transcript or a mock hearing is part of the reading or groundwork for students' writing projects, the teacher can assign parts to the students and have them set up the courtroom or hearing office and read the transcript, or students can reenact the underlying crime or tort to help arrive at a more vivid understanding of the facts and crucial issues of the case. When the students are up on their feet acting out the cases, they learn them more thoroughly and immediately.¹⁶⁵

Role playing can also be coupled with interviews.¹⁶⁶ Students may assume the roles of characters in the cases or of various legal personnel (the Judge, Bailiff, Defendant, Plaintiff, Attorneys, Stenographer, and so on). Other students may conduct interviews of them to pursue deeper understanding of their positions, issues, decisions and roles.¹⁶⁷

8. *Games*. Many teachers create games to help their students learn. These games are often based upon popular television game-show formats such as Jeopardy, Wheel of Fortune, and the like. Students also participate in scavenger hunts, looking for pieces of legal authority or investigating the facts of a real or

163. NILSON, *supra* note 3, at 135.

164. LINDA H. EDWARDS, LEGAL WRITING AND ANALYSIS 111-14 (2d ed. 2007).

165. NILSON, *supra* note 3, at 87.

166. Adapted from NILSON, *supra* note 3, at 120-21.

167. *Id.*

mock case about which they are to write. The teams win credit, grades or game points based upon speed and accuracy.

9. *Panel Discussions.* Each group is assigned an issue to present. The group researches the issue, and in the next class, the group becomes a panel. Each member of the panel makes a brief presentation, and then the audience may ask questions. The audience and moderator (or group moderators) could also be assigned roles.¹⁶⁸

10. *Debates.* The groups prepare issues to debate.¹⁶⁹ They research the issues and, in the next class, become debating teams. This works well in fleshing out arguments for briefs or trial memoranda. Debates can be conducted as a game as well, along the lines of Whiz Kids or College Bowl.

11. *Gallery Walk.* This exercise is a visual reporting method. Once students have completed a project or assignment, they create a visual depiction of their findings, such as a map, graph, diagram, outline or other written representation on paper, blackboard, power point, video or a strategically placed series of papers. The other students may walk up to the report and observe it as in an art gallery; the group may present or provide summaries of the work.¹⁷⁰

12. *Knowledge Mapping.* To help students learn to do better legal reading, students work in pairs or small groups to create a visual aid to understand a case or fact pattern (either case authority or case materials to be analyzed). Students should follow these steps and agree upon each one before proceeding to the next: (1) Read the case or case materials thoroughly for a strong overview; (2) Arrive at an agreed upon theme, overriding principle or holding;¹⁷¹ (3) Reread the case or materials and list other key concepts (issues, rules, principles or

168. PAULSON & FAUST, *supra*, note 15.

169. NILSON, *supra* note 3, at 119.

170. Adapted from Barbara J. Millis, *Cooperative Learning Structures* (2009), <http://www.utexas.edu/academic/diia/research/projects/hewlett/cooperative.php>.

171. Adapted from A. Majid Hayati & Sadegh Shariatifar, *Mapping Strategies*, 39 J. COLLEGE READING & LEARNING 53 (2009), available at http://findarticles.com/p/articles/mi_hb3247/is_2_39/ai_n31589423/?tag=content;coll.

elements;¹⁷² (4) Rank the concepts from most inclusive to least inclusive (umbrella and mini concepts);¹⁷³ (5) Draw lines between related concepts and write a word on the line that describes how the concepts relate to each other;¹⁷⁴ and (6) Refine the concepts, making them more accurate and readable.¹⁷⁵

13. *Modified Fish Bowl.* At the end of class, students are given index cards and asked to write one question concerning the materials covered during that class period.¹⁷⁶ The index cards are placed in a bowl.¹⁷⁷ The students pick a card from the bowl, and before the next class, work in groups of three to seven (depending on class size) to arrive at an answer to one of the questions that their group chooses.¹⁷⁸ At the next class, the groups present their questions and answers in whatever form the group chooses.¹⁷⁹ The rest of the class gives immediate verbal feedback to let the groups know whether the question was indeed answered satisfactorily.¹⁸⁰

14. *Field Trips.* Teachers send students in groups to visit legal sites, such as courts, jails, law offices and government offices and buildings. Students are assigned particular events, activities, manners or protocols you wish them to observe. When they return, they can share their experiences by presentation, panel, video project, power point, or in any organized and active way conducive to the group imparting its experience to the rest of the class.¹⁸¹

None of these exercises is better than the others in the abstract. Teachers should consider teaching goals, time constraints, class size and classroom dynamics when selecting the appropriate exercise and the size of the group.

172. *Id.* at 167.

173. *Id.*

174. *Id.*

175. *Id.*

176. Adapted from PAULSON & FAUST, *supra* note 15.

177. *Id.*

178. *Id.*

179. *Id.*

180. *Id.*

181. NILSON, *supra* note 3, at 135.

V. CONCLUSION

Business and government leadership trainers and pundits recognize that “[c]ollaboration is *the* critical competency for achieving and sustaining high performance - especially in the internet age. It won’t be the ability to fiercely compete, but the ability to lovingly cooperate that will determine success.”¹⁸² Similarly, legal educators have recognized the importance of training lawyers to face the challenges of working in a diverse profession that requires more than the ability to read and analyze cases and statutes. Collaborative and cooperative group exercises teach law students the skills they will need to be successful attorneys. These exercises have been shown to be successful in law school classrooms around the world – both large and small.¹⁸³ These exercises will help law teachers in South Africa meet the goal set by law school deans in 1997: to ensure that law students have the skills they need to practice law.¹⁸⁴

182. JAMES M. KOUZES & BARRY Z. POSNER, *THE LEADERSHIP CHALLENGE* 242 (3d ed. 2002) (emphasis in original); *see generally* DANIEL H. PINK, *A WHOLE NEW MIND: WHY RIGHT BRAINERS WILL RULE THE FUTURE* (2006).

183. *See supra* Part IV.

184. Iya, *supra* note 2, at 359.