

# Risking collaborative learning in core courses

By Angela Mae Kupenda

Lawyers need to work well with others, especially with other lawyers. Unfortunately, this skill is rarely emphasized in legal education. Many students, legal employers, judges, and professors emphasize grades. Consequently, students are reluctant and fearful of having their final grades determined by group effort, although group effort is what lawyers frequently encounter in practice.

Keenly aware of these fears (and even more aware of how student disapproval could negatively impact students' evaluations of my courses), I went forward with my plan to incorporate collaborative learning in core classes. I did so with much confidence (and assisted by being recently tenured at my home school and by experimenting with this method while away visiting).

## Collaborating on Collaborative Design

As it turned out, the collaborative exercise was designed in collaboration with students. In fall 2000, while visiting at Boston College Law School, I taught Civil Rights (Section 1983). Since the class was small, we enjoyed many spirited discussions on how the civil rights statute should be redrafted or reinterpreted.

Around midterm, I thought a great exercise would be for the class, working in small groups, to be charged with reforming the law of Section 1983. I could video the sessions, and the students could be challenged to create clearer law (rather than just critiquing the present law). They could benefit from practicing how to obtain consensus. I asked the class to consider using this exercise for final grade purposes, rather than a traditional final examination.

My proposal received strong, mixed reactions. Some students were enthusiastic and shared articles on collaborative learning, lauding the benefits of varied teaching and evaluative methods in legal education. Others were fearful, arguing that trusting a group final exam and grade was risky. Since we were already at mid-semester and I had not raised this non-traditional grading criteria in the syllabus, we did not go forward.

Yet, building on the students' reactions, I solicited their help in designing a collaborative assignment for use the next semester. Through many outside-of-class discussions, we brainstormed and debated the benefits, costs, and parameters of such a grading component. With their help, I started to structure the exercise.

## Creating a Collaborative Focus Throughout the Semester

During the spring 2001 semester, I was the Distinguished Visiting Professor of Teaching Excellence at Franklin Pierce Law Center in New Hampshire. I taught Constitutional Law to a class of about 140 first-year students. For the entire semester, a course emphasis was collaborative learning and how it could facilitate students' learning.

Learning from the previous semester, I made sure the syllabus clearly stated that a mid-semester, collaborative, outside of class, open-book examination would count 40 percent of their final grade. (Following the suggestions of my former students, the exercise would not count 100 percent of the final grade, as

individual students need more control over their grade in a 4-credit course. On the other hand, the exercise would not count 5 percent or 10 percent, as a higher percentage would encourage fuller participation.)

Before mid-semester, I casually discussed the role and benefits of collaborative legal work. Also, I administered three 30-minute collaborative group exercises in class. During our coverage of justiciability, students worked together in small, self-selected groups on a written hypothetical. Then the class brainstormed the legal analysis together.

Again, after completing coverage of the power of judicial review, students participated in an in-class group exercise evaluating *Bush v. Gore*. This time the groups were randomly assembled, with students pulling numbers to determine their working groups.

Finally, as we completed the section on congressional power, students again worked in groups. This time I composed the groups and distributed a list of assignments. Although I did not tell the students, I intentionally assembled the groups so there would be diversity based on my perceptions of race, gender, nationality, personality, and political differences.

My goals for in-class exercises were threefold. First, I wanted students to learn constitutional law. They had an opportunity to learn alone in self-study, and they had an opportunity to learn with me in traditional Socratic-style class sessions. The group exercises gave them an opportunity to learn from each other.

Second, I wanted students to work with classmates with whom they did not normally associate. I hoped they would learn that people outside their usual circles were

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equally intelligent and interesting and could help them grow as lawyers.

Finally, in low-risk situations (in-class exercises were not graded, though class participation counted 10 percent of final grades), I wanted students to begin to learn the fun, stresses, and successes of collaborative ventures.

## Structuring and Administering the Exercise

During the first six weeks of class, students were anxious about the upcoming mid-semester exercise. I tried to reassure them, but part of the difficulty was that I was still trying to figure it out myself.

The final structure: Students would complete the examination question working in self-selected groups of from three to seven members; they would submit one, typed response with a 10-page limit; they would not receive any assistance from any other person; and they would have from Thursday morning until Monday morning to complete the assignment. I was not available to mediate any group disputes. The registrar's office gave excellent assistance in handling the mechanics, which freed me to grade the papers blindly.

Of course, not all students were happy with the structure. Perhaps the most challenging complaints came from students who preferred that I select the groups. This complaint primarily was made by students who were taking the class as second- or third-years and quieter students who did not socialize much with the other students.

Although we addressed those concerns, I was unprepared for the reaction from a few international students. One explained to me privately, and later openly in class, that some international students were not confident with English language skills. He said he would not be invited to join a mostly American group. And he feared a group composed solely of international students would be disadvantaged, both because of English skills and because they may not fully understand American history and nuances in the examination question. I shared with him how I had coped as a black female when I was in all-white classes. In addition, in class I suggested that more varied groups would likely produce a richer response. The registrar's and student affairs' offices also worked to determine how the school could best meet needs of international students.

## Evaluating Results

The feedback after the exercise was good. Although students completed a survey, I learned more from the many individuals and small groups that came by my office on their own to share their experiences. Perhaps the best way to explain these reactions is by sharing some of their comments:

*"We really learned constitutional law. As we went over the fine points in our group, we finally understood the concepts we discussed in class."*

*"Our societal focus on majority rule should be re-examined. The majority can drown out a lone voice of dissent . . . that voice is often pointing the majority to something needing attention."*

*"Working with others is a drain on your time but is well worth it."* (The exercise probably would have taken one student three or four hours to complete alone. Groups worked an average of from 30 to 40 hours.)

*"Diversity is essential."* (This comment was from a group composed of six white males. They had intentionally selected their group this way to avoid female or racial working dynamics. The group told me they learned that a more diverse group would have been more productive.)

*"In my group we all drank, smoked, and ate a lot. Those who didn't smoke, started smoking. We have a lot to learn about managing stress before we become lawyers."*

*"I learned to be careful who I plan to practice law with. Intellect and ability to work with others do not necessarily go hand in hand."*

Overall, students indicated they learned a great deal. Some even enjoyed the process. While they were completing the exercise, I, too, was trying to work collaboratively with a colleague. As to my effort with the colleague, well, let's just say, perhaps we professors could learn a lot from the students . . .

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