From Cooperative Learning to Collaborative Writing in the Legal Writing Classroom[1]

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Andy and Steve[3] were the odd couple of Communication and Legal Reasoning in fall 2000. Andy came to Northwestern University School of Law ("Northwestern") from Iowa, and Steve hailed from Louisiana. Andy was tall and quiet, while Steve effused Southern politeness. They did not know each other before their professor randomly assigned them to rewrite their open research office memorandum—together—and for a grade. Each came to the task with Bs on his own memo, but they received a grade of "A" on their joint rewrite. The difference was collaboration, which allowed them to draw on their complementary strengths and minimize their weaknesses.[4]

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[3] Steve and Andy were actual students in Communication and Legal Reasoning in 2000–2001.

[4] Their joint paper showed strengths that neither student's prior work had shown. Both students reported to their professor that collaboration was the key factor in improving their work. They felt that they both performed at a higher level when each had to defend his analysis to his partner. Both reported that when working in teams each had to respond immediately to the other's comments. They felt that this practice forced them to consider their writing more carefully than if they had waited to receive the professor's comments days later. E-mail from Steven Doe, Student, to Kathleen Dillon Narko, Clinical Asst. Prof., Nw. U. Sch. L., Information for Article (July 2, 2002) (copy on file with Professor Narko); E-mail from Andrew Roe, Student, to Kathleen Dillon Narko, Clinical Asst. Prof., Nw. U. Sch. L., Information for Article (July 30, 2002) (copy on file with Professor Narko).

Together, they produced work of a quality that neither had been able to achieve alone. Steve had a knack for telling a compelling story with the facts. He knew which facts and points of law were most important, but his structure was not always clear. Andy, in contrast, had a strong grasp of organization. He understood how to arrange the law and facts in the most logical order, but his writing style needed improvement. By working together, they each learned about writing in a way that improved their later individual work.[5] As another benefit of working collaboratively, the former strangers became close friends.

Over the past two years at Northwestern, the Communication and Legal Reasoning ("CLR") faculty,[6] with the full support of the law school administration, has dramatically increased the integration of both cooperative and collaborative learning (often jointly termed "group" work)[7] into the CLR curriculum. This culminated in the CLR faculty's adoption of graded, co-authored writing assignments: a memo in the 2000-2001 academic year and both a memo and an appellate brief in 2001-2002.[8]

This Article traces the theory and practice behind our use of collaborative work at Northwestern. Section I summarizes the academic theory underlying the use of collaborative work, including the pedagogical and other benefits for students and faculty. Section II addresses our use of graded and ungraded cooperative and collaborative work—both inside and outside of the classroom—and how this work provides students with a context for the graded collaborative writing they perform later in the semester. Section III focuses on our methods with respect to the collaboratively written graded assignments. In Section IV, we report the results of our survey of the students' collaborative writing experience. Finally, in Section V, we look to the future

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[5] They received higher grades on subsequent papers than on their pre-collaboration work.

[6] In 2000, our director, Judith Rosenbaum, in consultation with Dean David Van Zandt, renamed the legal writing program "Communication and Legal Reasoning" to reflect more accurately our program's mission, curriculum, and pedagogy. *See generally* David Van Zandt, *The Northwestern Law Approach to Strategic Planning*, 31 U. Toledo L. Rev. 761 (2000) (describing the overall goals of the law school, including increased teamwork and communication skills).

[7] For definitions of both, see text accompanying *infra* notes 15–17.

[8] In the fall semester, our graded assignments are a citation exercise, a closed universe memorandum and a rewrite, and an open research memorandum and a rewrite. In the spring semester, our graded assignments are a short advocacy piece (usually a portion of an appellate brief), an appellant's brief, and an appellee's brief all in the same case.

and discuss our planned changes. We conclude that collaborative work serves a useful and important purpose in our law school curriculum and should continue to play a role in the future.

I. COOPERATIVE AND COLLABORATIVE LEARNING: DEFINITIONS, THEORY, AND APPLICATIONS

Hundreds of studies document the benefits that accrue from using cooperative and collaborative learning and trace that use back several centuries.[9] While implementation of and research on both pedagogies originally were introduced in elementary and secondary education,[10] their use in higher education, including graduate and professional education,[11] has increased dramatically over the past few decades.[12] The documented pedagogical benefits

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[9] Zimmerman, *supra* n. 1, at 988–993 (collecting and tracing studies); *see infra* n. 33.

[10] For recent sources, consult Philip C. Abrami et al., *Classroom Connections: Understanding and Using Cooperative Learning* (Harcourt Brace & Co. 1995); Dennis M. Adams & Mary E. Hamm, *Cooperative Learning: Critical Thinking and Collaboration Across the Curriculum* (Charles C. Thomas 1990); *Handbook of Cooperative Learning Methods* (Shlomo Sharan ed., Greenwood Press 1994); Susan Hill & Tim Hill, *The Collaborative Classroom: A Guide to Co-operative Learning* (Heinemann 1990); Evelyn Jacob, *Cooperative Learning in Context: An Educational Innovation in Everyday Classrooms* (St. U. N.Y. Press 1999).

[11] For examples in undergraduate and graduate education, see Robert S. Adler & Ed Neal, *Cooperative Learning Groups in Undergraduate and Graduate Contexts*, 9 J. Leg. Studies Educ. 427 (1991); Lisa Ede & Andrea Lunsford, *Let Them Write — Together*, 18 English Q. 119 (Winter 1985); Susan S. Hill, *Cooperative Learning: A Catalyst for Change in the College Classroom* (ERIC Doc. No. 413946, 1993); David W. Johnson, Roger T. Johnson & Edythe J. Holubec, *Cooperative Learning in the Classroom* (Assn. for Supervision & Curriculum Dev. 1994); John Magney, *Teamwork and the Need For Cooperative Learning*, 47 Lab. L.J. 564 (1996).

For examples in legal education, see Paul Bateman, *Toward Diversity in Teaching Methods in Law Schools: Five Suggestions From the Back Row*, 17 QLR 397 (1997) (generally addressing alternatives or complementary teaching methods to the Socratic method); David F. Chavkin, *Matchmaker, Matchmaker: Student Collaboration in Clinical Programs*, 1 Clin. L. Rev. 199 (1994); John Delaney, *Demystifying Legal Pedagogy: Performance-Centered Classroom Teaching at the City University of New York Law School*, 22 Seton Hall L. Rev. 1332 (1992); David Dominguez, *Principle 2: Good Practice Encourages Cooperation among Students*, 49 J. Leg. Educ. 386 (1999); Steven I. Friedland, *How We Teach: A Survey of Teaching Techniques in American Law Schools*, 20 Seattle U. L. Rev. 1 (1996); Catherine Gage O'Grady, *Preparing Students for the Profession: Clinical Education, Collaborative Pedagogy, and the Realities of Practice for the New Lawyer*, 4 Clin. L. Rev. 485 (1998); Roark Reed, *Group Learning in Law School*, 34 J. Leg. Educ. 674 (1984); Elizabeth A. Reilly, *Deposing the "Tyranny of Extroverts": Collaborative Learning in the Traditional Classroom Format*, 50 J. Leg. Educ. 593 (2000); George W. Spiro, *Collaborative Learning and the Study of the Legal Environment*, 10 J. Leg. Studies Educ. 55 (1992).

[12] *See generally* Barbara J. Millis & P.G. Cottell, Jr., *Cooperative Learning for Higher Education Faculty* (Onyx Press 1998); David W. Johnson, Roger T. Johnson & Karl A. Smith, *Cooperative Learning: Increasing College Faculty Instructional Productivity* (ASHE-ERIC Higher Educ. Rep. No. 4, 1991).

that flow from cooperative and collaborative learning directly coincide with our legal writing teaching goals. Cooperative and collaborative work benefit both students and teachers. The student-focused benefits include building judgment, increasing analytical ability, gaining greater subject matter understanding, sparking genuine, life-long subject matter interest, and easing anxiety, worry, and fear.[13] Teachers also benefit from cooperative and collaborative learning. These benefits include enabling students to work with others toward common goals, increasing student class participation and subject matter interest, and keeping students on task.[14]

A. A Definitional Framework

Cooperative and collaborative learning share many common points, but are theoretically distinct. Cooperative learning focuses on individual mastery of the subject through group work. Cooperative learning involves a structured framework for the group work in which the teacher defines the students' roles, tasks, and responsibilities, as well as the form of the final product. However, each student individually produces the final product. Thus, cooperative learning is group work with a shared goal; this creates the foundation for each student to then create his or her own final work product, which is individually evaluated.[15] In contrast, collaborative learning focuses on group work toward a unified final project that is all or partially group-produced and all or partially group-graded. In a collaborative project, group members negotiate tasks, roles, and responsibilities. In essence, the goal of collaborative learning is a group project in which the group process will produce a better final product through the

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[13] *See e.g.* Johnson et al., *supra* n. 12, at 38–41 (achievement), 41–42 (critical thinking), 42 (attitude towards subject area), 42–44 (interpersonal relations), 44–46 (social and emotional support), 46–47 (student retention), 48–51 (peer relationships), 51–52 (psychological adjustment), 52 (accuracy of perspective), 52–54 (self-esteem); Robert E. Slavin, *Cooperative Learning: Theory, Research, and Practice* 60–62 (self-esteem), 62–63 (peer academic support) (2d ed., Allyn & Bacon 1995).

[14] *See e.g.* Slavin, *supra* n. 13, at 64 (staying on task), 65 (liking class and school).

[15] David W. Johnson, Roger T. Johnson & Edythe J. Holubec, *Cooperative Learning in the Classroom* 4–5 (Assn. for Supervision & Curriculum Dev. 1994); Johnson et al., *supra* n. 12, at 1–4; *see* Leonard Springer, Mary Elizabeth Stanne & Samuel S. Donovan, *Effects of Small-Group Learning on Undergraduates in Science, Mathematics, Engineering, and Technology: A Meta-Analysis*, 69 Rev. Educ. Res. 21, 24 (1999); Jim Cooper & Randal Mueck, *Student Involvement in Learning: Cooperative Learning and College Instruction*, 1 J. Excellence College Teaching 68, 68–69 (1990).

students' discourse.[16] Thus, cooperative and collaborative learning are not completely distinct, but rather "more like an arbor of vines growing in parallel, crossing, or intertwined."[17]

B. The Theory

The academic justification for both pedagogies comes not just from educational philosophy[18] but also from areas as diverse as cognitive psychology,[19] social psychology,[20] and humanist and feminist pedagogy.[21] The confluence of these disciplines, often labeled constructivist or social constructionist theory, is highlighted by the works of Jerome Bruner, John Dewey, Karen Burke LeFevre, Jean Piaget, and Lev Vygotsky.[22] It is based on

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[16] Kenneth Bruffee, *Collaborative Learning and the "Conversation of Mankind,"* 46 College English 635, 640, 642 (1984) [hereinafter Bruffee, *Conversation of Mankind*]; *see* Kenneth Bruffee, *Collaborative Learning: Higher Education, Interdependence, and the Authority of Knowledge* (Johns Hopkins U. Press 1993) [hereinafter Bruffee, *Collaborative Learning*]; Springer, *supra* n. 15, at 24.

[17] Jean MacGregor, *Collaborative Learning: Reframing the Classroom,* in *Collaborative Learning: A Sourcebook for Higher Education* 37 (Anne S. Goodsell et al. eds., Natl. Ctr. on Postsecondary Teaching, Learning & Assessment 1992).

[18] John Dewey, *The School and Society* (U. Chi. Press 1943); Ira Shor, *Empowering Education: Critical Teaching for Social Change* (U. Chi. Press 1992).

[19] Jean Piaget, *The Language and Thought of the Child* (Harcourt Brace 1926); Lev Vygotsky, *Mind in Society: The Development of Higher Psychological Processes* (M. Cole et al. eds., Harv. U. Press 1978).

[20] Morton Deutsch, *A Theory of Cooperation and Competition*, 2 Human Relations 129 (1949).

[21] Springer, *supra* n. 15, at 24–25.

[22] Jerome Bruner, *The Relevance of Education* (W.W. Norton & Co. 1973); Dewey, *supra* n. 18; Karen Burke LeFevre, *Invention as a Social Act* (S. Ill. U. Press 1987); Piaget, *supra* n. 19; Vygotsky, *supra* n. 19; *see generally* Jacqueline G. Brooks & Martin G. Brooks, *In Search of Understanding: The Case for Constructivist Classrooms* (ASCD 1993).

For other sources that address general education theory and cooperative or collaborative learning, see *Enhancing Thinking through Cooperative Learning* (Neil Davidson & Toni Worsham eds., Teachers College Press 1992); *Interaction in Cooperative Groups: The Theoretical Anatomy of Group Learning* (Rachel Hertz-Lazarowitz & Norman Miller eds., Cambridge U. Press 1992); David W. Johnson & Roger T. Johnson, *Learning Together and Alone: Cooperative, Competitive, and Individualistic Learning* (4th ed. Allyn & Bacon 1994); *Learning to Cooperate, Cooperating to Learn* (Robert Slavin et al. eds., Plenum Press 1985); *Professional Development for Cooperative Learning: Issues and Approaches* (Celeste M. Brody & Neil Davidson eds., St. U. N.Y. Press 1998); Kenneth A. Bruffee, *The Art of Collaborative Learning: Making the Most of Knowledgeable Peers*, 19 Change 42 (Mar.–Apr. 1987); Kenneth A. Bruffee, *On Not Listening in Order to Hear: Collaborative Learning and the Rewards of Classroom Research*, 7 J. Basic Writing 3 (Spring 1988); Kenneth Bruffee, *Sharing Our Toys: Cooperative Learning versus Collaborative Learning*, 27 Change 12 (Jan. 1995); David W. Johnson & Roger T. Johnson, *Making Cooperative Learning Work*, 38 Theory into Practice 67 (Spring 1999); David W. Johnson, Roger T. Johnson & Karl A. Smith, *Maximizing Instruction through Cooperative Learning*, 7 ASEE Prism 24–9 (Feb. 1998); Andrea Lunsford & Lisa Ede, *Why Write . . . Together: A Research*

the argument, supported by studies, that learning is an interpretive act that occurs in the context of relationships. Thus, knowledge is a social construction,[23] invention is a social act,[24] and social interaction and conversation are necessary in the learning process as well, not just to achieve learning but to maximize that learning.

While lectures dominate traditional education, cooperative and collaborative pedagogies, in contrast, have shown that students often learn better indirectly from teachers (through constructed group work) and directly from other students (in the discourse associated with that group work).[25]

Kenneth Bruffee spells out the underlying theory in a more logical fashion. "To the extent that thought is internalized conversation, then, any effort to understand how we think requires us to understand the nature of conversation; and any effort to understand conversation requires us to understand the nature of community life that generates and maintains conversation."[26] Thus, an inherent power exists in conversations our students generate. To use the power of conversation, then, we have to encourage a classroom community that allows this conversation to start, flourish, and persist.

In addition, group work reaches a broader range of students than traditional teaching methods, reaching across race, gender, class, and learning style differences.[27] These pedagogies work because students, through the conversation, are more actively engaged with the material. The cooperative and collaborative pedagogies have been proven successful in a wide range of disciplines.[28] They are not exclusive to particular fields, however,

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Update, 5 Rhetoric Rev. 71 (Fall 1986).

[23] *See generally* Bruner, *supra* n. 22; *Singular Texts / Plural Authors: Perspectives on Collaborative Writing* (Andrea A. Lunsford & Lisa Ede eds., S. Ill. U. Press 1990); Andrea A. Lunsford & Lisa Ede, *Collaborative Authorship and the Teaching of Writing*, 10 Cardozo Arts & Ent. L.J. 681 (1992).

[24] LeFevre, *supra* n. 22, at 33–47.

[25] Zimmerman, *supra* n. 1, at 995–998.

[26] Bruffee, *Conversation of Mankind*, *supra* n. 16, at 640; *see* Bruffee, *Collaborative Learning*, *supra* n. 16, at 15–27.

[27] Shor, *supra* n. 18, at 164 (race and low-achieving students); Slavin, *supra* n. 13, at 52 (race), 54–60 (academically handicapped).

[28] While the number of studies addressing higher education has been relatively small, a review of those published in 1999 and 2000 reveals an increase in the number addressing higher education. Of the 168 found studies published in 2000, 66 address higher education. *See* Millis & Cottell, *supra* n. 12. The disciplines include chemistry, sociology, geography, communication, science, math, engineering, technology, English, and adult education. *See e.g.* Susan Imel, *New Views of Adult Learning*, Trends & Issues Alert No. 5 (ERIC Doc. No.

because these pedagogies merely change the context, not the content, of learning.

A legal writing course, like other writing courses, offers a genuinely strong environment in which to spur this knowledge-creating conversation and use these vibrant pedagogies.[29] As Bruffee notes, "Our task must involve engaging students in conversation among themselves at as many points in both the writing and the reading process as possible."[30] We must guide them through these conversations keeping in mind not only what we want them to cover substantively, but also how we want them to express their analytical conclusions.[31] This is so because "[t]he way they talk with each other determines the way they will think and the way they will write."[32]

The hundreds of studies on group work identify very real pedagogical benefits.[33] Figure 1, below, categorizes these benefits

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429211, 1999).

[29] For writings on cooperative and collaborative learning in legal writing courses and academic support programs, see *Collaboration*, 8 Second Draft 6 (Terri LeClercq ed., Apr. 1993); Leslie Larkin Cooney & Judith Karp, *Ten Magic Tricks for an Interactive Classroom*, 8 Persp. 1 (Fall 1999); David Dominguez et al., *Inclusive Teaching Methods Across the Curriculum: Academic Resource and Law Teachers Tie a Knot at the AALS*, 31 U.S.F. L. Rev. 875 (1997); Vernellia R. Randall, *Increasing Retention and Improving Performance: Practical Advice on Using Cooperative Learning in Law Schools*, 16 Thomas M. Cooley L. Rev. 201 (1999); Judith Rosenbaum & Clifford Zimmerman, *Fostering Teamwork through Cooperative and Collaborative Assignments*, 15 Second Draft 7 (June 2001); Melissa Shafer, *Shakespeare in Law: How the Theater Department Can Enhance Lawyering Skills Instruction*, 8 Persp. 108 (Spring 2000).

[30] Bruffee, *Conversation of Mankind*, *supra* n. 16, at 642.

[31] Jane A. Rinehart, *Turning Theory into Theorizing: Collaborative Learning in a Sociological Theory Course*, 27 Teaching Sociology 216, 226 (1999).

[32] Bruffee, *Conversation of Mankind*, *supra* n. 16, at 642.

[33] Johnson, Johnson, and Smith reported that over the first ninety years of the twentieth century, "over 575 experimental and 100 correlational studies [of the effects of group work] have been conducted by a wide variety of researchers in different subject areas, and in different settings." Johnson et al., *supra* n. 12, at 28. For a complete list of these studies, see David W. Johnson & Roger T. Johnson, *Cooperation and Competition: Theory and Research* (Interaction Book Co. 1989). The studies measure the benefits of group work by several methods, including qualitative analysis, quantitative analysis, and some combination of the two.

Most qualitative analysis has involved either student self-reporting or teacher assessment of the process. In the first instance, some studies solicited students' responses through a survey or interview. *See e.g.* Carol L. Colbeck, Susan E. Campbell & Stefani A. Bjorklund, *Grouping in the Dark, What College Students Learn from Group Projects*, 71 J. Higher Educ. 60 (2000) (students were interviewed and their responses then categorized). In other studies, teachers reported and assessed their experiences using a comparative experiential approach. *See e.g.* Donald R. Paulson, *Active Learning and Cooperative Learning in the Organic Chemistry Lecture Class*, 76 J. Chem. Educ. 1136 (1999) (teacher used same review session method for twenty-eight years and found significant difference in student engagement and participation using cooperative learning).

The quantitative analysis has included both traditional or typical methods and

as either primarily cognitive, primarily substantive, or primarily emotional/psychological. Figure 1 also indicates whether there were additional, substantial benefits extending to the other categories. A benefit that is primarily cognitive advances the students' ability to know or understand, including their awareness, perception, reasoning, or judgment, and is distinct from their understanding of the subject matter at hand. A benefit that is primarily substantive advances the students' understanding of the subject matter. Finally, primarily emotional or psychological benefits are those that enhance the students' mental or emotional well-being, as opposed to their core understanding or ability to understand. These categories provide a conservative examination of the depth and breadth of the advantages that flow from cooperative and collaborative learning.[34]

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others. For traditional methods, see, for example, Lois V. Browne & Edward V. Blackburn, *Teaching Introductory Organic Chemistry: A Problem Solving and Collaborative-Learning Approach*, 76 J. Chem. Educ. 1104 (1999) (used an objective survey, then compared the results from students in cooperative and individual settings); Jeffrey Kovac, *Student Active Learning Methods in General Chemistry*, 76 J. Chem. Educ. 120 (1999) (used an objective survey and assessed those results without comparing). *See* Johnson & Johnson, *supra*; Johnson et al., *supra* n. 12. Some quantitative assessment was based on student responses to end of semester course evaluations. *See e.g.* Rinehart, *supra* n. 31. For a mix, see, for example, James M. Hurley, James D. Proctor & Robert E. Ford, *Collaborative Inquiry at a Distance: Using the Internet in Geography Education*, 98 J. Geography 128, 129 (1999) (teachers established criteria by which to assess student research).

[34] Citations within Figure 1 are to studies that show the existence of the particular benefit, not the categorization of that benefit by the studies' Authors. The categorizations are our own.

FIGURE 1
Benefits of Collaborative and Cooperative Learning

	Substantive	Cognitive	Psychological/ Emotional
More cognitive:			
Students learn how others write and learn[35]		X	X
Students learn how others reason[36]	X	X	
Students hear different opinions[37]	X	X	X
More substantive:			
Results in a higher level of individual achievement[38]	X	X	
Results in greater analytical ability (higher level of thinking)[39]	X	X	
-Increase reflective thinking[40]			
-Develop problem-solving techniques[41]			
-Grasp relationship between background information and tasks in carrying out the process[42]			
-More readily embrace the task of learning[43]			

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[35] Johnson et al., *supra* n. 12, at 31–34; Romana P. Hillebrand, *Control and Cohesion: Collaborative Learning and Writing*, English J. 71, 72 (Jan. 1994); Dilafruz R. Williams, *Cooperative Learning and Cultural Diversity: Building Caring Communities in the Cooperative Classroom*, in *Cooperative Learning and Strategies for Inclusion* 145, 153 (JoAnne W. Putnam ed., Paul H. Brookes Publg. Co. 1993).

[36] Johnson et al., *supra* n. 12, at 31–34. ·

[37] Cooper & Mueck, *supra* n. 15, at 69–70; Hillebrand, *supra* n. 35, at 72.

[38] Johnson et al., *supra* n. 12, at 38–41; Slavin, *supra* n. 13, at 62–63; Sharon Pray Muir & Dyanne M. Tracy, *Collaborative Essay Testing: Just Try It!* 47 College Teaching 33, 33 (No. 1, 1999).

[39] Johnson et al., *supra* n. 12, at 31–34; Cooper & Mueck, *supra* n. 15, at 71.

[40] Muir & Tracy, *supra* n. 38, at 33.

[41] Antonio Russo & Susan H. Warren, *Collaborative Test Taking*, 47 College Teaching 18, 18 (No. 1, 1999).

[42] Browne & Blackburn, *supra* n. 33, at 1106.

[43] *Id.*

Benefits of Collaborative and Cooperative Learning (continued)

	Substantive	Cognitive	Psychological/ Emotional
-Students' questions change from need for step-by-step instruction to more general guidance[44]			
Results in better retention of subject matter[45]	X	X	
More emotional/ psychological:			
Students get to know each other better[46]		X	X
Students work together to overcome disagreements[47]	X		X
Students receive & provide support to each other[48]			X
-Passivity disappears[49]			
Students feel less anxiety[50]			X
Students gain greater self-esteem[51]			X
Students learn how to work with each other[52]		X	X

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[44] *Id.*; Muir & Tracy, *supra* n. 38, at 34.

[45] Cooper & Mueck, *supra* n. 15, at 70 (better performance on examinations); JoAnne W. Putnam, *The Process of Cooperative Learning*, in *Cooperative Learning and Strategies for Inclusion*, *supra* n. 35, at 15, 24–25 (better performance).

[46] Slavin, *supra* n. 13, at 65–67.

[47] Stephen Doheny-Farina, *A Case Study Approach Using Conflict among Collaborators*, 15 Technical Writing Instructor 73, 73 (1988).

[48] Johnson et al., *supra* n. 12, at 31.

[49] Rinehart, *supra* n. 31, at 216.

[50] Johnson et al., *supra* n. 12, at 32, 37; Muir & Tracy, *supra* n. 38, at 33; Russo, *supra* n. 41, at 18.

[51] Browne & Blackburn, *supra* n. 33, at 1106; Johnson et al., *supra* n. 12, at 52–55; Rinehart, *supra* n. 31, at 227; Slavin, *supra* n. 13, at 60–62.

[52] Cooper & Mueck, *supra* n. 15, at 70; Johnson et al., *supra* n. 12, at 42–44.

Benefits of Collaborative and Cooperative Learning (continued)

	Substantive	Cognitive	Psychological/ Emotional
Greater teaching value:			
Allows teacher to adjust for varied learning styles[53]	X	X	X
Results in students sharing knowledge[54]	X	X	X
Produces a higher level of individual accountability (to peers)[55]			X
Produces a higher motivation to learn[56]	X	X	X
Encourages student participation[57]	X	X	X
Results in students having a more positive feeling about school, subject, and self[58] -More positive feeling about group work than traditional lab[59]			X

With these benefits available,[60] the next question is how professors can incorporate these pedagogies into the classroom.

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[53] Through group composition the teacher can take into account factors such as academic ability and learning style. *See* Laurel Currie Oates, *Collaborative Learning: Learning through Structured Conversation* 7 (unpublished ms. on file with Authors); *see generally* Barbara Gross Davis, *Tools for Teaching* 151 (Jossey-Bass 1993).

[54] Hillebrand, *supra* n. 35, at 72.

[55] Putnam, *supra* n. 45, at 17.

[56] Hillebrand, *supra* n. 35, at 72; Johnson et al., *supra* n. 12, at 35–36.

[57] Johnson et al., *supra* n. 12, at 46–47; Slavin, *supra* n. 13, at 64–65.

[58] Johnson et al., *supra* n. 12, at 42; Slavin, *supra* n. 13, at 65.

[59] Browne & Blackburn, *supra* n. 33, at 1106.

[60] To be sure, weaknesses exist. Primary among the weaknesses is student fear of a free-riding partner, a group member who does not do his or her fair share of the work. *See* Slavin, *supra* n. 11, at 19 (discussing problem). Another common potential problem is schedule conflicts that prevent students from coordinating and carrying out their work together. These problems can be addressed by setting a positive class tone toward group work, building up the group work over time, and making the work divisible such that responsibility can be distributed. Slavin, *supra* n. 13 (addressing "diffusion of responsibility" and grading techniques to raise individual accountability); *see generally infra* § III(B). Cooperative and collaborative learning may be problematic in settings in which large class size limits the effectiveness of professors in overseeing all groups or groups taught by teaching assistants. Cooperative and collaborative learning may also be

C. *Potential Group Applications: A General View*

Our examination of cooperative and collaborative learning in the classroom begins generally, and then moves to the legal writing classroom in particular. Active classroom environments using group work engage students in solving problems, use visual formats, teach learning through exploration, and allow for better assessment of students' performance.[61] In these environments, cooperative and collaborative group learning dominate as students work primarily in groups.[62] An examination of these classrooms finds many other interesting curricular characteristics as well. The curriculum is presented as a whole, and the pursuit of student questions is highly valued. The activities rely heavily on primary sources of data and manipulative materials, students are viewed as thinkers with emerging theories about the world, and teachers generally behave in an interactive manner mediating the environment for students. Teachers seek the students' points of view for use in subsequent lessons, and assessment of student learning is interwoven with teaching as teachers observe students at work as well as student exhibitions and portfolios.[63] Many of these curricular characteristics are found in the legal writing classroom as well: Legal writing classes typically are small, and professors commonly assign students to work in groups on oral or written exercises. These activities result in active learning and foster a strong sense of community.

Recent literature identifies curricular areas in which group work commonly is used at many educational levels, including law school. These areas include brainstorming and idea generation, problem solving, role playing, research, citation, peer review, conferences, writing, and even assessment.[64] A brief examination

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problematic where English as a second language creates an unequal impediment to communications between students, or where the professor lacks commitment to the pedagogy.

[61] *See e.g.* Hurley et al., *supra* n. 33, at 129 (citing M.D. Roblyer et al., *Integrating Educational Technology into Teaching* 72 (Merrill 1997)).

[62] *Id.* (citing Brooks & Brooks, *supra* n. 22).

[63] *Id.*

[64] In general graduate education, the literature also provides more specific examples including essays, Paulson, *supra* n. 33, at 1137, problem solving, *id.*, in-class questions to answer, *id.*, unstructured, multiple response tasks, Rinehart, *supra* n. 31, at 223, and research, Hurley et al., *supra* n. 33, at 134. Many students already use these methods in study groups. Kovac, *supra* n. 33, at 121 (he encouraged his chemistry students to form study groups and found them replicating these groups in other classes). For the most recent

of these curricular areas in the law school context reveals great advantages for the legal writing classroom. First, faculty can use brainstorming and idea generation in class to focus students' thoughts on the subject matter at hand. Faculty can also assign students to brainstorm as an out-of-class exercise; for example, student groups can be assigned to generate ideas for appellate brief arguments. Next, problem solving often involves short written work in which groups may have to answer a question, develop a set of rules, develop an argument, or draft a portion of a larger written document. For example, on a memo assignment, groups can draft a rule synthesis or draft an outline. Similarly, while working on a brief, groups can draft point headings, draft questions presented, and draft or edit a statement of facts.

Role-playing typically involves taking sides on a case. From there, groups can present opposing perspectives on the facts, simulate oral advocacy, or even re-enact Supreme Court oral arguments. On research and citation assignments, student groups can complete exercises, as well as complete research pertinent to their memorandum or brief assignments. Professors may hold group conferences to cover brainstorming, research, and outlines, as well as writing.

Finally, students may work collaboratively at any and every stage in the process of writing a legal document: issue development, brainstorming, research, outlining, writing, editing, rewriting, critiquing, and proofreading. Further, collaborative writing can occur on any assignment, whether it be a memo (or any part of one, for example the statement of facts) or a brief (or any part of one, such as one argument in a brief). Even if students write individually, they can enhance their learning through peer review. Peer review can occur on any written assignment and can be done through a read aloud, exchange and critique in class, or more formal critiques (taken home and written).[65]

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collection of essays on the use of cooperative and collaborative learning in legal writing courses, see *Collaboration and Cooperation*, 15 Second Draft 1 (Barbara J. Busharis & Suzanne E. Rowe eds., June 2001).

[65] There are several competing approaches to peer review. For example, one approach is to start peer review early in the first semester, understanding that while students may not yet feel substantively comfortable with the material, the students need to build their comfort level with giving peer feedback. The theory behind this approach is that after some time spent becoming comfortable with the critiquing process, they will also feel comfortable with the substance they are critiquing. Alternatively, one can wait until the students are comfortable with and understand the substance of the legal material and then have them begin peer review. Both are valid approaches. *See* Jo Anne Durako, *Brutal Choices in Curricular Design . . . Peer Editing: It's Worth the Effort*, 7 Persp. 73 (Winter 1999); Judith

With this background, we now shift our focus from the theoretical to the practical and our experience with cooperative and collaborative learning in our classrooms at Northwestern.

II. COOPERATIVE AND COLLABORATIVE EXERCISES AND HOW THEY PREPARE STUDENTS FOR GRADED COLLABORATIVE WRITING

In our CLR program, over the past two-to-three years we have increasingly incorporated cooperative and collaborative writing and exercises into our curriculum. We have done this for two reasons. First, Northwestern has been moving toward a more cooperative learning environment for the law school as a whole, to prepare students for the work environment they will face after graduation. Second, and even more important, experience has shown us that students cannot fully learn legal research, analysis, and writing by listening passively to lectures. While lectures can be useful ways to introduce many of the concepts we want students to learn, the students will fully internalize these important legal skills only with repeated practice on their own. Accordingly, many of us have replaced more and more of our lecturing with active learning activities, particularly cooperative and collaborative work. Because our class periods are ninety minutes long, we have time during most class periods to introduce concepts, allow student groups time to work together in class, and then come together as a class to discuss the results.

In this section, we describe how we have moved from theory to practice in our curriculum. Subsection A discusses issues a professor should consider in deciding how to introduce cooperative and collaborative work into the curriculum. Subsection B discusses how we introduce cooperative and collaborative work to our students through classroom activities. Subsection C discusses how we then move group work outside of the classroom and grade some of this work. Section III addresses our use of graded collaborative writing. For the authors, assigning graded collaborative writing is the natural culmination of all of the group work we have done both inside and outside of class up to that time.[66]

Rosenbaum, *Brutal Choices in Curricular Design . . . Using Read-Aloud Protocols As a Method of Instruction*, 7 Persp. 105 (1999); Cliff Zimmerman, *In-Class Editing Sessions*, 13 Second Draft 7 (May 1999).

[66] Essentially, we start with cooperative work in class, then move to cooperative out-

A. Considerations in Assigning
Cooperative and Collaborative Work

Professors need to consider a range of issues to implement effectively the theory of cooperative or collaborative learning in the classroom.[67] These include the development of the assignment, the appropriate time and method to introduce the concept of group work to the class, group size, group selection methods, the appropriate level of teacher intervention during group work, and assessment of group work.

1. Developing Group Assignments

The first step—which actually occurs before the start of the semester—is ensuring that the group assignments to be used, whether in class or outside of class, will work well in groups and within the curriculum. Because students working in groups ideally will advance farther in their understanding of an exercise presented to them,[68] that cooperative or collaborative assignment must be even more perfectly crafted than one that they will complete individually. Effective crafting of a group assignment requires vigilant assessment of the foundation, the process, and the ultimate goal of the exercise—essentially, the professor must think ahead more clearly and comprehensively than when crafting an individual assignment. In addition, the professor should plan for each group exercise to take longer than if individually completed.[69] The group will need additional time to consider and discuss the variety of alternatives that group members will raise. Finally, the teacher must consider what, if any, part of the exercise should be conducted outside class. For example, any lengthy reading should be completed before class.

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of-class work, and, eventually, have students working collaboratively on written documents. For clarification on the distinction between cooperative and collaborative learning, see *supra* § I.A.

[67] For a discussion of the difference between cooperative and collaborative learning, see text accompanying *supra* notes 15–17.

[68] *See supra* nn. 38–45 and accompanying text.

[69] Kovac, *supra* n. 33, at 121; Muir & Tracy, *supra* n. 38, at 35; Rinehart, *supra* n. 31, at 224.

2. Introducing the Concept of Group Work

Students should become comfortable with group work as early in the school year as possible. For example, Professor Zimmerman explains to his students on the first day of fall term that his pedagogy includes a great deal of cooperative and collaborative work. Further, he explains how group work will enhance their law school experience, their individual understanding of the law, and their well being as law students. He also distributes a handout that summarizes the general theory behind group work. He does all of this to foster from the start a class atmosphere that is conducive to group work.[70] In addition, throughout the term we attempt to develop the class rapport, educate the students about cooperative and collaborative learning,[71] meet with our students,[72] remain flexible,[73] and understand the time demands inherent in group work.[74]

3. Methods for Choosing Student Groups

The next consideration is how to group the students for the exercise. Here, there are three choices: random selection, teacher selection, or self-selection.[75] In the Northwestern program, many of us prefer to allow students to self-select to maximize the benefit to group rapport (since we assume that they will choose to work with students whom they know, like, or believe that they can work

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[70] Professor Zimmerman believes that absent this effort, those students who have not had previous exposure to group work or who do not have a good understanding of why group work is beneficial might become skeptics of the pedagogy from the start and might be more likely to become slackers or otherwise struggle against the pedagogy as the semester progresses. For another experience addressing this issue in legal education, see Nim Razook, *Some Order and Some Law: Cooperative Norms, Free Riders, and Bridge Burners in Student Teams*, 47 J. Leg. Educ. 260 (1997).

[71] Rinehart, *supra* n. 31, at 221.

[72] Kovac met weekly with his students to discuss his pedagogical tools. Kovac, *supra* n. 33, at 122. He learned from these student meetings that, in constructing his assignments for group work, he had eliminated more straightforward exercises that the students needed (particularly the "algorithmic learners," who are those students who need exercises that more directly apply to examinations). This student feedback enabled him to correct this mistake. *Id.* at 122–123.

[73] *Id.* at 120.

[74] *Id.*; Paulson, *supra* n. 33, at 1139 (it takes a great deal of class time).

[75] Muir & Tracy, *supra* n. 38, at 35. Rinehart argues in favor of avoiding self-selection, to break up cliques, to remove peer pressure in selections, and to prevent default pairings (the necessity for the teacher to pair students who did not find a partner). Rinehart, *supra* n. 31, at 223.

with). However, many of us also require students to choose new partners for each succeeding group assignment, to promote a greater breadth of interaction among students and to limit peer pressure in the selection process. Any method is pedagogically sound, with its respective advantages and disadvantages. Group size may vary with the nature of the assignment. Each CLR class at Northwestern has twenty-seven to twenty-nine students.[76] For a lengthy writing assignment, the group should be limited to a pair, although a trio is workable. For research or citation exercises, we limit groups to four or five students. For in-class exercises, we aim for group size to be three to four.

4. Appropriate Teacher Intervention

Next, the teacher must consider how to facilitate the group work. For in-class work, facilitation involves deciding how much to intervene in the groups' activities. In using group work the professor shifts responsibility to the students and releases control.[77] Thus, the professor must decide how much latitude to give the student groups. This question involves two considerations: whether to assign group roles[78] and whether to facilitate the group work actively or passively.[79] These considerations are matters of personal preference and pedagogical needs. For example, the professor may know that some groups need more direction or that the assignment requires that students quickly realize a particular point, both of which necessitate some form of professorial intervention to keep the groups on task. This consideration is counterbalanced by our knowledge that merely visiting a group can silence the conversation as the students immediately tend to look to the professor for direction or guidance.

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[76] Our director has about sixteen students in her class, to allow her additional time for program administration.

[77] Rinehart, *supra* n. 31, at 217.

[78] Kovac, *supra* n. 33, at 121; Rinehart, *supra* n. 31, at 224 (both favoring the rotation of roles). Kovac talks about assigning a manager (to keep the group on task), a reporter (to prepare written results), a spokesperson (to present the results), and a strategic analyst (to assure participation and understanding of all group members, and to identify problems and need for improvement). Kovac, *supra* n. 33, at 121. There is some disagreement over changing the group membership. *See* Zimmerman, *supra* n. 1, at 1014–1015; *compare* Muir & Tracy, *supra* n. 38, at 35 (favors changing roles after assessment) *with* Rinehart, *supra* n. 31, at 223 (maintain same groups).

[79] Rinehart, *supra* n. 31, at 224 (active); Zimmerman, *supra* n. 1, at 1014–1015.

5. Methods of Assessing Group Work

While much group work in our course is in-class and ungraded, some collaborative work done outside of class is graded.[80] Thus, an additional consideration is whether and how to assess the group work. Here, the choices include whether the assignment is graded or ungraded; if graded then what percentage weight should be given to that assignment;[81] if graded and there is a curve, how the elimination of lower quality work will affect efforts to comply with the curve;[82] and whether the professor or the

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[80] We tend not to grade cooperative work early in the semester, to establish foundation and comfort in practical skills without consequences. As the semester progresses and the work advances, we grade the larger, written assignments, such as the office memorandum and the appellate brief. Determinations about grading or not, and about how to grade, are beyond the scope of this article. For insights, see *Assessment of Writing: Politics, Policies, Practices* (Edward M. White, William D. Lutz & Sandra Kamusikiri eds., MLA 1996); Richard J. Stiggins, *Student-Centered Classroom Assessment* (2d ed., Prentis Hall 1996); Edward M. White, *Assigning, Responding, Evaluating: A Writing Teachers Guide* (3d ed., St. Martin's Press 1999); Rebecca S. Anderson & Bruce W. Speck, *Suggestions For Responding to the Dilemma of Grading Students' Writing*, 86 English J. 21 (Jan. 1997); Brian J. Glenn, *The Golden Rule of Grading: Being Fair*, PS Online www.findarticles.com/cf_dls/m2139/4_31/53520034/p1/article.jhtml (Dec. 1998); Shelley Peterson & Joyce M. Bainbridge, *Teachers' Gendered Expectations and Their Evaluation of Student Writing*, 38 Reading Research & Instruction 255 (1999); Mary Jo Skillings & Robbin Ferrell, *Student-Generated Rubrics: Bringing Students into the Assessment Process*, 6 Reading Teacher 452 (2000 Amy T. Surmann, *The Effects of Race, Weight, and Gender on Evaluations of Writing Competence*, 137 J. Soc. Psychol. 173 (1997); Iris I. Varner & Paula J. Pomerenke, *Assessing Competency in Business Writing*, 61 Bus. Commun. Q. 83 (Dec. 1998).

[81] Kovac, *supra* n. 33, at 121 (out-of-class group work, in-class exams individual) *see infra* n. 91 and accompanying text; Rinehart, *supra* n. 31, at 224 (group work – twenty percent, individual work – eighty percent).

[82] Having a curve places competitive pressure on the assignment. Kovac, *supra* n. 33, at 120; Paulson, *supra* n. 33, at 1137.

At Northwestern, we are not required to follow strictly a curve in assigning grades. The law school curve is mandatory — for semester grades — for classes of forty or more students. As noted above, our CLR classes usually have twenty-seven to twenty-nine students, so we are encouraged to follow the curve, but not required to assign strict percentages of each grade. In practice, we follow the curve to a large extent (and most of us have found that the grades students "deserve" largely do fall naturally into the curve), but use our discretion to deviate from it where merited.

The need for strict compliance with a curve presents unique issues with respect to graded cooperative and collaborative work in legal writing courses. As the theory sets forth and we have experienced, group work increases the quality of the final student product and effectively eliminates the weakest papers. See *infra* § III(C). Thus, teachers who use group work and must apply a curve will face the quandary of how to comply with the curve and not punish students whose work legitimately has improved beyond the bottom of the curve. For example, if you have a curve that requires you to give a certain percentage of "C"s, or you must give some "C"s in order to give any "A"s and your "C-worthy" papers are no longer present or are far fewer in number as a result of group work, then you will only be able to comply with the curve by giving the lowest papers (albeit ones that do not objectively deserve the grade) Cs.

students will assess the contribution of other members of the group.[83]

In addition to assessing the students' product, the professor will want to assess the success of the learning process that occurred during the group work. The professor should debrief the class as a whole after the group assignment to bring everyone to the same level of understanding before the class moves on.

6. Improving Group Assignments for Future Use

Finally, every group assignment can be tweaked for the next use. The need for adaptation of assignments and of the assignment process itself is inherent in using group work.[84] The professor must review the process with a critical eye toward improvement next time.[85] The purpose of the preparation described in this section is to give students the context for their out-of-class collaborative written work to be done later in the semester. All of the in-class cooperative and collaborative work is vital preparation for out-of-class work to be done collaboratively.

An alternative at such schools would be to discuss with your administration that, where professors believe that particular student work is of sufficiently high quality, this should justify exception from, or non-compliance with, the curve. While some may argue that this is "grade inflation," the theory and our experience indicate, rather, that this is the by-product of good, sound, and successful teaching that justifies rewarding improvement in performance.

Of course, even with administration backing, CLR professors should (and no doubt will) be careful to give a grade distribution above the curve only in cases in which the student work truly merits it and not for political reasons or in an attempt to please students. For a discussion of academically unjustified practices of assigning high grades based on considerations other than merit, see generally Peter Sacks, *Generation X Goes to College* (Carus 1996).

[83] Kovac, *supra* n. 33, at 121 (teaching assistant assessed group work and added points if group worked well together).

[84] "Continual revision and invention is necessary to make collaboration genuine. For me, the temptation to get the collaborative version 'in the can' is just as great as the desire to have beautifully organized and comprehensive lecture notes." Rinehart, *supra* n. 31, at 226 (constant adaptation); *see* Paulson, *supra* n. 33, at 1139 (adapt slowly).

[85] Michael W. Shelton, Derek R. Lane & Enid S. Waldhart, *A Review and Assessment of National Education Trends in Communication Instruction*, 48 Commun. Educ. 228–237 (1999).

B. *Implementing In-Class Cooperative and Collaborative Work*

At Northwestern, in-class cooperative and collaborative exercises give students many opportunities, from early in the semester, to analyze legal materials and apply them to fact scenarios in an active way, rather than attempt to learn legal analysis and writing merely by having someone tell them how to do it. These exercises also get students accustomed, from early in the semester, to working with partners, to writing collaboratively with other people, and to seeing perspectives beyond their own. We have found that these experiences prepare students well for the graded collaborative work that we ask them to do outside of class. Having done in-class cooperative work, they are comfortable working with others and integrating their ideas with the ideas of others.

For example, Professor Inglehart has students start in-class group writing and oral presentation exercises beginning the first week of class in fall semester and tries to make such group work a part of nearly all of her classes. For most class meetings, she assigns the relevant portion of our legal writing or research texts before class. In addition, she sometimes gives the students short cases and/or fact scenarios to read and prepare before the class meets. She begins class by lecturing briefly on some of the more complex points, then may lead the class through verbally answering some of the exercises in the text, and then usually assigns some kind of writing or oral argument exercise for students to work on in small groups. The groups usually are given about thirty minutes to work together, and the class then comes back together either for oral presentations from each group or to examine (by viewing on a screen) and discuss the product that each group has written.

The specific in-class exercises include the following types: 1) students are given a case, asked to write a case brief, and then are questioned on the case; 2) students are given a fact scenario and several short case blurbs and/or descriptions of relevant statutes and are assigned to prepare a short oral argument for one of the sides; 3) students are asked to reorganize and rewrite a poorly organized and incomplete discussion section of a memo; or 4) students are asked to write a Question Presented, Statement of Facts, or portion of a memo's Discussion section based on a fact scenario and case and/or statutory materials. All of these in-class

cooperative   exercises   prepare   students   for   out-of-class
collaborative work.

C. The Next Step: Collaborative Citation
and Research Exercises Outside Class

At Northwestern, we have found over the past year or two
that citation and legal research skills are excellent candidates for
group learning.   Once our students have become accustomed to
group work in class, we give them their first graded collaborative
assignment: a citation exercise.[86] We use the *ALWD Citation
Manual* for legal citation.[87] To teach citation, we ask them to read
the *ALWD Manual* before class and we then teach a lecture class
using a PowerPoint presentation to explain the key citation rules
and to highlight the most often-used portions of the *ALWD
Manual*.   We then assign them a graded exercise in which they
have to correct a series of incorrect citation sentences.   They work
in groups of three or four students on this graded exercise.[88]

As for research, in Fall 2001 after introducing the major
research sources via the textbook and lecture, we had students
work in groups of three or four to complete research exercises
using the digests, treatises, Shepard's, law reviews, encyclopedias,
and other manual research sources. In the 2001–2002 school year,
we used the Kunz[89] research text, which, like many research texts,
has extensive hands-on research exercises.   While the student
groups were working on the Kunz research exercises, we held
some classes in the library so that each CLR professor could help
the groups in his or her class use the sources to complete the
exercises.[90] We have found that this active learning approach is

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[86] We also assign research exercises to be done in groups. In 2001, we used exercises
from Christina L. Kunz et al., *The Process of Legal Research* (5th ed., Aspen L. & Bus.
2000).   The Kunz research exercises were not given a letter grade, but students were
required to complete and submit them.   If students did not do a satisfactory job on the
research exercises, their semester grade could be lowered.

[87] Association of Legal Writing Directors & Darby Dickerson, *ALWD Citation Manual*
(Aspen L. & Bus. 2000).

[88] Some CLR professors have the student groups begin work on these citation
exercises during class, while others have the groups do all of the work outside of class. *See*
Thomas Michael McDonnell, *Joining Hands and Smarts: Teaching Manual Legal Research
through Collaborative Learning Groups*, 40 J. Leg. Educ. 363 (1990).

[89] Kunz et al., *supra* n. 86.

[90] This time can be during class periods, office hours, or other times that the professor
deems appropriate. Faculty research assistants also may hold office hours in the library to
help students.

an effective way to help students become comfortable with using the research sources. The students are then prepared to research independently, with little professor assistance, for their open research memo problem.

In assigning the Kunz exercises, some CLR professors instructed the student groups not to split up the research problems, but to work through every question as a group; other professors did not require group work on every question. The professors who required students to work through each problem together found that the class as a whole gained a better understanding of how to use the research sources. In groups where students split the work, students tended (not surprisingly) to learn to use only the sources for which they had personally done the problems. Professor Zimmerman required those students in his class who divided the research then to regroup and teach each other the research process that they personally had completed. The results of this were quite positive.

In the end, our collective experience has borne out that our students progress extremely well on the learning curve as a result of this group work. While it is more difficult to assess whether students who collaborated learned as much or more than students who did not, we found that students who did collaborate learned the relevant skills and material as well if not better than first year students in the past. Our assessment is based on the students' apparent depth of understanding, breadth of comprehension, and level of comfort with the skills learned. Our resulting confidence with the pedagogy led us naturally to attempt graded collaborative writing.

III. EXPERIENCE WITH GRADED COLLABORATIVE WRITING AT NORTHWESTERN UNIVERSITY SCHOOL OF LAW

Our experience with collaborative writing is best understood in the context of the assignment (Subsection A), how we prepared our students to work together (Subsection B), our personal assessment of the process (Subsection C), and our students' assessment of the process (Section IV).

A. The Task

Graded collaborative writing has become a significant component of our CLR course at Northwestern over the past two years. Various CLR faculty members assign collaborative work that constitutes from ten to fifty percent of the students' final grade, depending on the CLR section. During the 2000–2001 year, those professors who assigned graded collaborative writing had students rewrite their closed memorandum collaboratively during the fall term;[91] during spring term they had students research and write collaboratively a short portion of the Argument section of an appellate brief. During the 2001–2002 year, in fall term most of us assigned students to research and write the first graded draft of their open research memorandum collaboratively. Each student then individually rewrote the open memo. During Spring 2002, most of us assigned students to write collaboratively an appellate brief for the appellant's side. Each student then wrote the appellee's brief in the same case individually. Students wrote the collaborative papers in teams of two (or a few groups of three, in classes with an odd number of students). Most CLR professors allowed students to choose their own partners, requiring that the partner pairings be reported to the professor by a certain date. Any students in the class who did not choose a partner were then assigned to each other.

B. Preparing Students to Write Collaboratively for a Grade

Each CLR professor took several steps to prepare students to write collaboratively. First, students participated in frequent in-class cooperative and collaborative work, described in Section II(B). We found that these in-class exercises gave students the context for how to work together effectively and were a critical step in preparing them to write together outside of class. Second, as described in Section II(C), we assigned students to work collaboratively on graded citation and ungraded research exercises, which further acclimated them to the give and take of collaborative work.[92]

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[91] Those CLR professors who did not make the closed memo rewrite a collaborative assignment in Fall 2000 had their students do all of their graded assignments individually that term.

[92] We encourage our students to come to us with any inter-partner issues. We also try to discern, during meetings with students, any potential issues between partners. Thus far,

Third, in addition to the normal level of in-class group work and before students began working together on a collaborative paper, many of us set aside class time (up to a full ninety-minute class period) to discuss issues unique to writing together. In this class session, we went into greater depth explaining the theory behind the collaborative pedagogy and its benefits. We also discussed the difficulties that the students might encounter and gave them concrete suggestions on how to avoid the common pitfalls. The CLR faculty even created (collaboratively!) a document that we distributed to students outlining some of the common concerns about collaborative writing and suggestions for completing the project successfully.

Fourth, some of us invited former students to class to discuss their experience with collaborative writing. Professor Narko invited the two former students described at the beginning of this Article, who had worked together very well. Without any prompting from her, these former students reinforced the points that she had sought to impart over the entire semester, such as the benefits of working together on all parts of the project rather than dividing the research and writing. The current students found these peer comments quite persuasive.[93] Similarly, in Professor Zimmerman's class, two former students who had written together came to class to discuss their perspective on the experience. They started by discussing the range of potential approaches to writing together. This spectrum includes, at one end, the divide-and-conquer approach in which the students actually divide the writing in half, then continually trade and edit the piece until it is one cohesive, single-style work. At the other extreme, which was the method this pair of students used, the writers sit down together (at a word processor) and write every word, sentence, and paragraph together, stopping to discuss any and all questions and disagreements as they go. Professor Zimmerman's former students reported that they found that this latter approach, while daunting in terms of the time and patience necessary, usually yielded the strongest output. In sum, the students discussed the pros and cons of each approach, why they chose their course, and how some of their classmates who chose other methods fared. Further, they stressed to the student

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we have been able to satisfactorily address all concerns.

[93] In student-teacher conferences, students reported that they actually adopted methods described in this class session.

audience the need to start working on the project as early as possible because collaborative writing takes more time than they probably would anticipate based on writing individually. These preparations for the collaborative project worked very well in getting the students into the proper frame of mind to write together.

One point that should be highlighted is that our students who collaboratively wrote the first graded draft of a memo or brief (as assigned in the 2001–2002 school year) had a better experience than our students who collaboratively RE-wrote a memo for which each student had already individually written a first draft (as assigned in the 2000–2001 school year). Initially it might appear that students would perform better on a rewrite because they would have already devoted considerable time and thought to the topic and could then concentrate more on the collaborative writing process. In practice, however, collaborating on the closed memo rewrite in Fall 2000 created significant tension for some teams. With the collaborative rewrite assignment, many students reported more frustration in working together and more difficulty in arriving at a mutually satisfactory product. Most students felt that this stemmed from the fact that, having already submitted a full draft of the memo, they were quite emotionally invested in the reasoning, result, organization, and style reflected in that personal draft, and therefore found it difficult to compromise in preparing the rewrite where their ideas clashed with those of their partner. This difficulty was exacerbated if one person had received a significantly higher grade on the first memo than his or her partner. The students also found it difficult to decide whether to try to meld the two existing memos or to try to write a new "joint" memo from scratch.

By contrast, when students were assigned to research and write collaboratively the first graded draft of a memo or brief, they found that they entered the process without loyalty to their own already formed ideas and that they therefore could readily work together to identify the issues and the relevant law and to write a memo that reflected the understanding of the law and facts that they had reached together. They were able to remain open to the input of their partners, because that input came as each student's own ideas about the issues were still forming. Overall, then, students reported more positive experiences when they created the first graded draft of a memo or brief together, rather than a graded rewrite.

C. Faculty Perspective on Graded Collaborative Writing

In general, we were very pleased with the results of our students' collaborative written assignments. Particularly on the assignments in which the students researched and wrote the first draft collaboratively, we felt that working with another person had a number of advantages for the students' writing process. They tended to get started earlier on researching and writing the assignments. Working together, they were able to fill in holes in each other's research abilities. Because the final written product had to satisfy both of them, they had to put more thought into justifying their analysis, and their analysis tended to become more thoughtful and sophisticated as a result of discussing it at length with each other. They also acted as editors to improve each other's writing and as proofreaders to eliminate typos. As a result, their joint written products were, on average, better than their individually written products.[94]

Perhaps the most remarkable result was the disappearance of the lowest grades in the class.[95] Through the group writing process, the weaknesses that typically pervade the weakest papers were addressed and corrected. Best of all, the students reported that they felt that they had learned a great deal from each other; they felt that the presence of an additional viewpoint helped them to see perspectives that they would not have come up with on their own and helped them to understand the legal analysis better than they would have working on their own.

Overall, then, these collaborative research and writing projects have helped the students to learn more about legal analysis and legal writing than they would have learned on their own. Further, the collaborative work has helped them to develop the general skill of working together with professional colleagues, which they will be called upon to do in some (though perhaps not an identical) manner in law practice. Based on the research supporting cooperative and collaborative work, this experience should advance our students' learning preparing them better for

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[94] This assessment is based on our years of experience. It would be impossible to track grades to prove this while controlling for all variables.

[95] *See supra* n. 82. We did not change our grading criteria, but rather markedly noticed the lack of weaknesses that pull down the grades in weaker papers.

future learning, whether in a similar or different classroom, in a firm, or in a courtroom.

IV. THE STUDENT SURVEY

Following the collaborative writing of the open research memo in Fall 2001, five of the CLR professors at Northwestern decided to survey our students to understand better what they thought about writing together and how we might be able to improve the experience next time.[96] We crafted a survey with open-ended questions (to which students were invited to respond in essay form) in an effort to learn their feelings about the experience without imposing our own predeterminations on their thought process in responding. We asked the students to answer the survey immediately after they had submitted the open research memo assignment.

Section IV describes the survey process and the results. The survey results included the students' discussion of their expectations before embarking on their first graded collaborative writing assignment, whether their expectations were met, their work methods, and their suggested changes for future collaborative writing assignments.

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[96] Some of us offered our students credit of up to five percent of their term grade in CLR for answering the survey. In classes with letter grading, students were told that they would receive an "A" on their survey answers regardless of the content of their answers, if their responses reflected a good faith effort to provide thoughtful answers to the survey questions. (We told students that we felt that thoughtful answers to the three survey questions would require writing a total of at least two to three pages). If a student did not answer the survey or if the student's answers were not thorough enough to merit an "A," response to the survey would not be considered at all in determining that student's term grade. In these sections, every student who answered the survey did so thoughtfully and received an "A" for his or her response.

In classes with numerical grading, students were given one (1) point of extra credit for each question to which they made a good faith effort to provide a thoughtful response. In these classes, students did receive a range of credit for their survey responses.

The survey was distributed in five of our eight CLR sections (to a total of 128 students), and ninety-two students submitted written responses.

While this data collection method utilized a reward, we did so in an effort to ensure a good response rate. To ensure untainted data, we assured students that the content of their answers would not affect their grade on the survey.

A. The Survey Process

The first question in our Fall 2001 survey of our students sought to ascertain their general feelings about the experience. Thus, the first question asked:

1. What were your expectations about working on a collaborative memo assignment? Among the things you might consider in answering this question are: what concerns you had; what you looked forward to; and what details you thought would need to be ironed out. Finally, how did the process itself meet or fail to meet those expectations? Include here any concerns or difficulties in time management as well.

The student responses to this question naturally fell into one of four areas: negative expectations, negative expectations met, positive expectations, and positive expectations met.

The second question sought to learn about the students' collaborative experience in specific stages in the writing process and how effective students found this to be. Thus, the second question asked as follows:

2. Identify which of the following types of collaborative activities you and your Memo Three partner(s) used. For each one you used, evaluate how it worked, including whether and to what extent it worked well or not so well.

Brainstorming
Strategizing
Research
Conferencing with me [professor]
Writing a first draft
Editing
Rewriting
Proofing

Here, the answers naturally fell into the general categories of whether each stage was done collaboratively and whether the students perceived collaboration at that stage as effective.

The final survey question sought opinions about how we as teachers could improve the use of collaborative writing in the curriculum. Thus, we asked the students this question:

3. As you know, the law school is very committed to encouraging teamwork for a variety of reasons, including the hope that this will give our students a competitive edge in the job market. We want this course to complement that mission, but we also want this course's collaborative experiences to foster a sense of pride and accomplishment. Based on your experience working on this collaborative memo, identify four (4) to six (6) recommendations as to how to make the process work as well as possible if we assign collaborative papers again in the future. Please be sure to explain why you are making these recommendations.

As noted above, the question format was open-ended to ensure that the results were not predetermined. The survey was distributed in five of the eight CLR sections[97] (four sections of twenty-seven to twenty-nine students and one section of sixteen students), and yielded a total of ninety-two responses.[98]

B. The Survey Results

The most useful results of the survey were, first, the students' comments on their main positive and negative expectations for researching and writing a memo collaboratively and whether those expectations were met, and second, the students' comments on which particular activities the student teams actually did collaboratively while working on their memoranda, and which of those activities they found effective or ineffective. We also considered the students' recommendations for administering future collaborative writing assignments (see *infra* § IV(C)).

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[97] Graded written collaboration took place only in these sections.

[98] To code these responses, one of the Authors read through a sample of responses and established a set of answer codes for each question. Then, using another sampling of responses, the three Authors each separately read the responses and coded the results. We three then compared our coding to assess both the consistency of our coding and the reliability of the coding categories. After some adjustments to the answer codes, we delivered the ninety-two survey responses to the CLR research assistant, a third-year student, who coded all ninety-two responses according to the codes we had established and tabulated the results. The three Authors then examined the results, double-checked the coded responses where the answers appeared unexpected, and double-checked a random selection of the coded responses to ensure the accuracy of our coding. Once satisfied with the accuracy of the results, we examined them for their significance.

1. Positive and Negative Expectations and Expectations Met

The following charts (in Figure 2) show the students' main positive and negative expectations before doing the collaborative open research memo in fall 2001[99] and the main positive and negative expectations they reported actually were met by the process. We included in these charts any expectations mentioned by ten percent or more of the ninety-two students who answered the survey.

FIGURE 2
Main Negative Expectations

- Disagreement in writing style/process   41%
- Worry about potential "free rider" problem   22%
- Partner rapport/working closely with someone else   19%
- Loss of efficiency/burden of extra class time   17%
- Disagreement in logical/analytical process   15%
- General unspecified negative expectation   15%
- Need to compromise could compromise quality   13%
- Prior bad experience with group work   13%

Main Negative Expectations Met

- Hard to write together   22%
- Group work took time/did not save time   17%
- Partner did not do enough   10%

Main Positive Expectations

- Share/challenge/criticize each other's ideas/work   43%
- Improve writing process/skills   20%
- Opportunity to receive feedback   20%
- Share work load   15%
- General unspecified positive expectations   15%
- Good/high quality final product   12%
- Improve research/research skills   11%

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[99] We are doing the Fall 2002 survey in two stages. Before the groups began work together, we surveyed their expectations. Once they are done we will assess how they felt about the process.

Main Positive Expectations Met

- Engaged in healthy/helpful disagreement/
  debate/brainstorming   33%
- Good rapport with partner   28%
- Less able to procrastinate/kept to schedule   26%
- Never felt frustrated   25%
- Rewarding/positive writing process   21%
- Better research than individual research
  product   15%
- Saw different (partner's) approach   13%
- Considered new ideas   12%
- Better final product than individual product   11%

We were pleasantly surprised by these results, as they indicated in several ways that most students found the collaborative memo process to be more positive, less negative, and more useful than they had expected to before beginning the project. First, there were about an equal number of categories of negative and positive expectations felt by at least ten percent of responding students before they actually did the collaborative memo assignment. However, after they had finished the assignment, the students expressed only three categories of negative expectations actually met, as compared to nine categories of positive expectations actually met, at or above the ten percent level. Second, the categories of negative expectations met were, for the most part, felt by fewer students than the categories of positive expectations met. That is, while only one category of negative expectations met ("hard to write together") was raised by more than twenty percent of the students, five categories of positive expectations met were raised by more than twenty percent of the students.

Moreover—and perhaps most importantly—even the main negative expectations met did not seem, for the most part, to be directed to the students' perceptions of the value of researching and writing collaboratively. The top two ("hard to write together" and "took a lot of time") are characteristic of the task and pedagogy, but do not suggest that the students did not find the collaborative assignment to be a good learning experience or to result in better understanding of the issues or a better memo.[100]

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[100] These results seem especially significant given that students were not given

To the contrary, in many positive categories students reported that they felt that the collaborative process helped them to engage in beneficial debate or brainstorming (thirty-three percent), that the collaborative process made them less able to procrastinate in preparing the memo (twenty-six percent), that they found the writing process rewarding or positive (twenty-one percent), that their collaborative research product was better than their individual research product would have been (fifteen percent), that the collaborative process helped them to consider new ideas (twelve percent), and/or that they felt they reached a better final written product than they would have if working individually (eleven percent), all of which are core tasks or skills that we seek to teach in our CLR course.

Finally, before beginning the project twenty-two percent of the students worried that there would be a free rider problem with their partner. In the end, ten percent of the students reported that they felt their "partner did not do enough." A comparison of these results can lead to several different interpretations depending on one's view of the similarity between the two response categories. The first interpretation assumes that this latter ten percent figure similarly reflects the free rider or slacker concern. In this instance, and quite positively, fewer than half of those students who had feared being paired with a free rider saw that negative expectation come to fruition.

A second, and alternative, explanation is that not all of the responses within the ten percent figure uniformly reflect the free rider concern. As articulated by the students, the initial fear of a free rider problem that students felt before doing the project encompassed a concern not only that there would be an unequal distribution of the workload, but also that this distribution would be unfair. For instance, one student reported, "These group projects [done by the student in high school and college] were the unfortunate byproducts of teachers who seemed to think their methods were forward-looking, where in reality they provided a straightforward method for the laziest of us to coast on the labors of the most industrious of us."[101] Certainly, the majority of the ten

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predetermined answers to choose from on the survey, but could give any responses they wished.

[101] Other responses expressing concern (before beginning the project) about free riders also expressed this in terms of unfairness: "I am usually wary of doing group assignments, because it is difficult to get everyone together at the same time and because group members often do not do their fair share of the work."; "My expectations about working on this

percent who felt after the assignment that their partners did not do enough articulated a concern regarding unfairness.[102] However, some of those students who actually reported (after finishing the assignment) that their partner did not do enough work perceived an inequality, but did not mention any unfairness.[103] The difficulties these students reported seemed to focus more on an unequal distribution of work and not so much on perceived unfairness of that unequal distribution. Other examples involved more of a clash of writing styles when one person did a great deal of work first because that was that person's approach and the other partner did more work later for the same reason. For instance, one student stated that because his "team member refused to outline or go over the details of the paper before writing," they had difficulty making their paper "read as if it was written by one author." In this alternative reading, the "partner did not do enough" negative expectation met was not consistently a concern over a free rider problem, but at times was a reflection of the difficulties of working with another, an articulation of how work progresses when the partners have different strengths, or a reflection of the fact that the work did not neatly divide into two equal halves for each partner.

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collaborative assignment can be summarized by one word—misgivings. . . . The individual" grade depends in some measure on the performance and commitment of other people which has always raised issues of fairness to me."; "[M]y experience had always been that one person always pulled weight in the groups and others did not take it as seriously"; and "I was concerned that there would be an unequal distribution of work with an unfair burden left for me."

[102] Responses expressing a concern about unfairness included the following: "I felt that I did most of the work on the project and that the quality of my partner's work was not on the same level as mine. I did not feel supported by my partner. . . . I would have planned this project, my studies, and my extracurricular activities differently if I had known that I had to significantly compensate for my partner's portion of the assignment."; "I did not have any concerns at first, however, as the deadline approached and I had done a very large amount of the work, I became concerned and frustrated. Although we both agreed on which position to take, I was very concerned that I had spent much more time thinking about our position and developing the arguments to fruition, while my partner did nothing." For a discussion of ways that perceptions of unfair distribution of work can be addressed, see *infra* § V.

[103]For example, one student said the following [in the context of difficulty coordinating schedules due to midterms and the fact that one partner was a commuter]:
> The workload, by the end of the paper, was not equally distributed, resulting in some members doing more substantive work on the memo than others. I don't think that the team "jelled" the same way that we did in the Kunz Research Exercise or the Citation Exercise. Perhaps the amount of work, the amount of time, and the larger percentage of the class grade made Memo Three more important in the eyes of the team, resulting in a more professional attitude between members. In the end, I'm grateful for the experience in the [sic] working with others on Memo Three.

Regardless of the interpretation, less than half of the number of students who had feared having a free-rider problem expressed any feeling of unfairness of workload in the end. After finishing the project, ninety percent of the students expressed no problem with the amount of work performed by their partner. We anticipate that the ninety percent figure will increase as we fine-tune our teaching of collaborative writing.

2.   Students' Perceptions of Collaborative Activities Performed and Their Effectiveness

The second question in our survey listed a number of activities and asked students to comment on which particular activities they did collaboratively with their partners and which of these activities they thought were effective or ineffective. The results are shown in Figure 3. Figure 3 indicates the percentage of students who said that they and their partner did each particular activity collaboratively and out of that population of students, the percentage who reported that they found doing that activity collaboratively to be effective, the percentage who found it ineffective, and the percentage who did not comment on its effectiveness.

FIGURE 3
Perceived Efficacy Of Group Activities
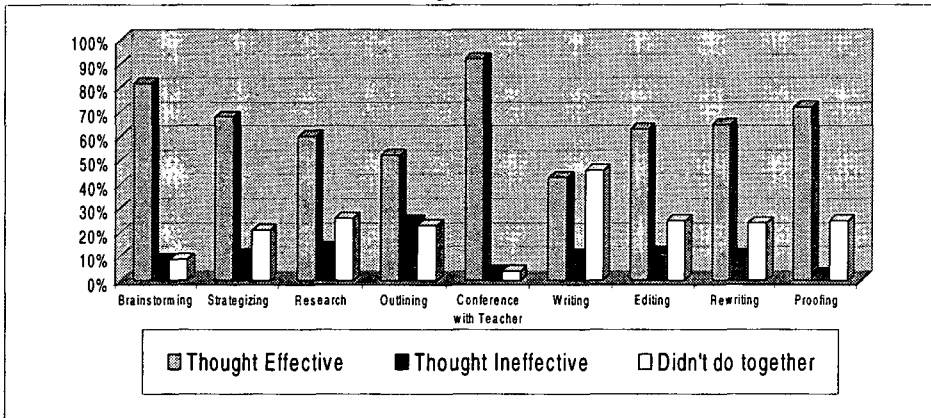
The activities that the largest number of students said they did collaboratively were research (ninety-one percent), writing (eighty-seven percent), editing (eighty-three percent), conferencing

with the professor (eighty percent), and brainstorming (seventy-two percent). Other activities that the students said they did collaboratively included rewriting (seventy-one percent), proofreading (sixty-five percent), strategizing (sixty-one percent), and outlining (thirty-two percent). The low percentage of students who reported that they outlined together may be relatively insignificant because many students have reported to us that they do not outline at all (whether working alone or collaboratively) when writing papers. As a result, the pair may not have outlined collaboratively, even if one student in the pair did so alone.

In terms of effectiveness, the highest percentage of respondents (ninety-two percent) reported that they found conferencing with the professor collaboratively to be effective, followed by brainstorming (eight-two percent), proofreading (seventy-two percent), strategizing (sixty-eight percent), rewriting (sixty-five percent), editing (sixty-three percent), research (sixty percent), outlining (fifty-two percent), and writing (forty-three percent). In fact, more students may have found the listed activities to be effective than the numbers suggest, as many students said that they did an activity collaboratively but then did not comment on whether they found it effective or not.

These results lend themselves to several explanations. One explanation of these results is that the collaborative tasks that students identified as most effective are those, such as research and conferencing with the professor, that are easy to do in groups. By contrast, those collaborative activities that students saw as less effective are those (most notably, writing) that tend by nature to be more difficult to do in groups. These numbers then tell us where the students need more support from faculty in working together.

Another way to read the numbers is to examine the influence of the professor's guidance throughout the process. A perusal of the results shows that students perceived group work on the initial stages of the project (such as brainstorming, at eight-two percent) as being quite effective. However, from there the steps that occurred next chronologically in the process (strategizing, researching, and outlining) were perceived as increasingly less effective when done collaboratively. The level of perceived effectiveness did not increase again until after the mandatory group conference where the professor's feedback and direction apparently reinvigorated the group to act as one, and the perceived effectiveness of the subsequent steps (editing, rewriting,

and proofreading) rose as a result. This observation is bolstered by many students' suggestions in their surveys that their professor increase the number of group conferences and overall guidance for future collaborative writing assignments. These requests support the explanation that the effectiveness of certain activities was influenced by teacher input.[104]

C. The Students' Suggestions for Change

As part of the survey, we solicited suggestions for ways to improve the collaborative writing assignments. The majority of the suggestions focused on requests that their professor provide more guidance to students through teacher conferences, guidance in how to work collaboratively, and guidance on how to choose a partner. Many students suggested that the professor play a greater role in the process.

The single most common suggestion was for professors to have more group conferences. Students suggested adding an additional group conference later in the collaborative process to update the professor on their progress and to receive suggestions and clarification from the professor. Students also suggested that additional conferences would help resolve conflicts within groups and motivate them to start their work earlier. On a related note, many students also suggested that the professor set more interim deadlines. Students said they would find it helpful to know when they should complete their research, outline, and/or a first draft. Some students believed interim deadlines would decrease stress, impose a schedule, and help even out the workload among group members. Some students suggested that the students themselves should agree on and submit their own timeline for tasks. They believed that such a process would force each group to establish its own goals for the project and would ensure that the group

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[104] The group conferences were held for twenty to thirty minutes each. By necessity, due to schedule constraints, the conferences were held over at least a week-long period. The students' perceived effectiveness of their group's conference and of the activities that they did immediately before and after their conference therefore may have been affected by when their conference occurred in relation to where they were in the research and writing process.

One way to deal with this differential might be to have two group conferences for each group and to direct students as to which activity they should be doing at the time of each conference (for example, brainstorming issues at the time of the first conference and writing at the time of the second conference). Prof. Zimmerman took this approach in Spring 2002.

considered time management issues. Students also suggested mandatory outlines or mandatory library research sessions.

Many students also requested more guidance on how to work collaboratively and how to overcome problems that might arise. They suggested that the professor discuss in detail the goals of collaborative work early on in the semester. Some students felt that they needed a clearer understanding of the objectives of collaborative work before writing together. Others stated that the professor should spend more time before the assignment discussing potential problems the teams might have and how students could resolve these in an efficient manner. Students also suggested that the professor direct students not to divide the memo writing by legal issue, as students had to rewrite both issues individually for the subsequent assignment.

Suggestions on how best to choose partners for assignments ranged from allowing students to choose their own partners without restriction to allowing students to review potential partners' written work before making a selection. Others suggested that all partner assignments be random. These divergent suggestions reflected various concerns. Students who sought more information about potential partners and more control over partner choice generally also expressed concern that their partners would be incompatible in some way. They wanted some sort of safety valve to avoid free riders. Those who suggested random pairings did so because they sought a more realistic experience. In the workplace, they reasoned, they would have no choice in their assigned co-workers, and yet they would have to learn how to create a high quality product together. These opposing views on this topic may reflect the diversity of age and work experience within the first-year class.[105]

Some students also suggested modifying the collaborative element of the assignment by requiring students to research and outline a memorandum together but to write individually. Other students suggested that at the end of the project, students assess each other in how well each worked within the group.[106] These

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[105] The first year class entering Northwestern in Fall 2001 ranged in age from twenty to forty years old, with an average age of twenty-five. Eighty-six percent had at least one year of work experience before entering law school, sixty-three percent had at least two years of work experience, and forty-two percent had at least three years of work experience. Statistics on file with Northwestern University School of Law admissions office.

[106] Some also suggested that part of each individual's grade be based in part on this peer assessment.

suggestions to modify the collaborative nature of the assignment reflect these students' fear of being harmed by working with a poor partner. In response to the students' suggestions, we implemented some changes in the second semester of CLR. In Section V, we discuss how we responded to some of these recommendations.

V. IMPLEMENTATION OF CHANGES

As we stated earlier, one key to using cooperative and collaborative pedagogy is being open and flexible about making changes with each iteration or permutation of the assignment. We have been true to this guideline in several respects as a result of the students' comments in their surveys and of our own observations: by changing the fall collaborative writing assignment, changing the number of conferences, modifying methods of choosing partners, and providing written guidelines for collaborative work in Spring 2002.

A. *From Collaborative Graded Rewrite to Collaborative Graded First Draft*

All of us changed the fall collaborative writing assignment from the closed memo rewrite (in 2000) to the open memo first draft (in 2001). Our justification was twofold: first, that the students had not yet had enough law school experience to benefit from working collaboratively at the point when the closed memo is due, fairly early in fall term,[107] and second, that trying to rewrite a document from two individually authored first drafts did not achieve our goal of writing in unison. For example, on the closed memo rewrite, some groups merely used the draft with the higher grade and revised that document to strengthen it. Therefore, in Fall 2001 we instead assigned students to research and write collaboratively the first, graded draft of their open research memo, and we were satisfied with this change (see *supra* § III(A)–(B)).

B. *Conferences and Other Pacing Mechanisms.*

A crucial component of collaborative writing is the student-faculty conference. Based on student input discussed in Section IV, many of us instituted or increased the number of mandatory

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[107] *See supra* n. 8 (describing assignments in our program).

conferences for each team. Several CLR professors in our program added a second group conference during the process of the collaboratively written appellant's brief in Spring 2002. This sensible addition allowed the student pairs additional consultation time at one of two key times in the writing process (as opposed to just one). The additional teacher time required to hold thirteen or fourteen additional twenty- to thirty-minute conferences was well worth the added comfort to the students. Their unsolicited positive feedback on this underscored its importance to them as well.

For example, Professor Zimmerman met with each group twice in Spring 2002 while they were collaboratively writing the appellant's brief: once while they were brainstorming and once while they were writing. He found that this conference schedule kept the students on task for a demanding assignment better than any other mechanism he had used.

Professor Narko changed from individual student conferences in Fall 2001 to group conferences in Spring 2002, in response to student suggestions in the Fall 2001 survey. Each team had to meet with her to report its progress after the team had completed its research and was beginning to draft its brief. Students found this to be more efficient than individual conferences, avoiding the necessity of relaying information to their partners second-hand. Also, students reported that the group conference increased accountability of partners and decreased cases of uneven effort. With both students in front of the desk, there was no blaming the other person for work not completed. Professor Narko also scheduled individual conferences on request.

With regard to group conferences, Professor Inglehart did not make any changes from fall to spring semester. In both semesters, she required each team to meet with her for one thirty-minute conference during the course of the team's work on the collaborative assignment.[108] These conferences were held at about the time the groups were finishing their research and completing their outlines. Her course evaluations for fall semester (which she did not receive until well into spring semester) showed that most students found these group conferences very helpful as a means of feedback and keeping the team on track in terms of doing relevant research and identifying relevant legal issues to be discussed. In

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[108] Professor Inglehart allowed teams to schedule additional voluntary group conferences with her.

fact, many students commented in their evaluations that they felt that the group conferences were the most useful activity in the process of this collaborative assignment, and many commented that they would like to have two required group conferences while working on the assignment, one near the beginning of the process and one half to two thirds of the way through. Although Professor Inglehart received this feedback too late to implement the "mandatory two conferences" suggestion for the spring semester collaborative assignment, she plans to implement it for the next collaborative assignment in her class.

In addition to their suggestion of multiple conferences, students also suggested that the CLR professors institute other pacing mechanisms such as assigning interim deadlines. Many of us already had one or more pacing mechanisms in place, such as requiring groups to submit ungraded research logs and/or outlines, setting suggested dates for completion of a first draft, or holding class time as a research session in the library. Many of us at Northwestern may implement these other types of pacing mechanisms for future collaborative writing assignments. However, most of us have also found that conferences themselves are the most important pacing mechanism.

C. Partners

Northwestern CLR professors use various methods in matching our students with partners for collaborative assignments. Most of us let students choose their own partners, and others of us randomly assign partners to our students. In response to certain suggestions made in our student surveys regarding choosing partners (see *supra* § IV(C)), we considered appropriate methods of assigning partners. None of us has decided to let students view each other's work before choosing partners, and despite some students' desire to choose partners without restrictions, some of us have retained some restrictions, such as requiring students to choose new partners second semester.

For example, in Fall 2001, Professor Inglehart allowed students to choose their own partners. At the end of the semester, she asked the class whether they wanted to chose their own partners for collaborative work the following semester. All but one student—who said he did not know many of his classmates very well—emphatically requested that they be allowed to choose their

own partners again in spring semester. They felt that by being allowed to choose their own partners, they were able to work with other students whose schedules were similar to their own and with whom they felt a sufficient rapport to enable a good working relationship. Because of the strong student response on this issue, Professor Inglehart maintained the policy of allowing them to choose their own partners for the second semester, and felt that this worked out well both semesters. She did require that for second semester they work with a different partner than first semester, to prevent any actual or perceived advantage that might arise if students who had built a good working relationship on the fall term collaborative assignment were allowed to partner again.

D. Written Guidance on Collaboration

In response to students' requests for more guidance on the collaborative writing process, our CLR faculty created written guidelines[109] for students on how to research and write together and how to work through potential problems. This document took into account the survey responses and included sections on choosing partners, managing students' time, coordinating and allocating tasks, conferencing with the professor, and resolving conflicts with one's partner. It also covered in detail various options for the actual writing process. We gave this document to students at the beginning of second semester, as they were beginning to research and write their collaborative brief for appellant. In the Fall 2002, we will give this document to our students as we prepare them for their collaboratively written memorandum.

VI. CONCLUSION

In teaching legal writing at Northwestern, the Authors' experience demonstrates that cooperative and collaborative in-class work logically complements the subject matter, our teaching styles, our relationships with our students, and our classroom setting. Once the Northwestern CLR faculty had become comfortable with in-class group work, graded collaborative writing seemed a natural, complementary step in our pedagogical

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[109] The first draft of this document was created by three of our CLR faculty. The document was then circulated to the rest of the CLR faculty, who made additions and edits.

development. All of the research supports this developmental process and its fruits, and our student survey findings bolster that conclusion. The Authors hope that the theory, experiences, findings, and advice presented here will help to make cooperative and collaborative learning beneficial parts of any legal writing curriculum.[110]

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[110] An unplanned benefit of incorporating collaborative assignments into our CLR course has been the increase in our own faculty's awareness of the advantages of working collaboratively to produce a written product. Over the past year or two, our CLR faculty has written a number of documents collaboratively for our course. These have included our course syllabus and policy document, a mission statement for the CLR course, and a document giving students guidelines for effectively writing collaborative memos and briefs (see *supra* § V(D)).