Using Team Based Learning in the Professional Responsibility Course
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[Excerpted for Clark Cunningham's courses, Professional Responsibility: Heroes & Villains & The Client Relationship with permission of the author]

I.   Explanation and Rationale for Team Based Learning

Team-based learning is a teaching strategy first devised by Professor Larry Michaelsen in response to a sudden and dramatic increase in the size of his organizational behavior and business management classes. Wanting to retain the same level of student engagement and critical analysis that he and his students had experienced in his smaller discussion seminars, he developed an approach to comprehensive course design and teaching. [1] One leader of team-based learning scholarship describes the strategy as "A special form of collaborative learning using a specific sequence of individual work, group work and immediate feedback to create a motivational framework in which students increasingly hold each other accountable for coming to class prepared and contributing to discussion."[2] Over the past forty years, the TBL strategy has been used in educational settings from grade school to graduate school, mathematics to medicine, central Missouri to central China.[3] Team-based learning has four basic elements: a process to insure that students are ready for team learning in the classroom, the assignment of students to permanent learning teams, the design of application exercises requiring critical analysis in real-world settings, and peer evaluation.[4]

The components of team-based learning are a process that insures the readiness to engage in this group work, application assignments that force deep learning and collaboration, a peer evaluation process that creates confidence that groups will function fairly and effectively. The skills a TBL course emphasizes are inherently skills of of competent and ethical practice

1. critical thinking & problem solving

2. articulating personal values and defending recommendations

3. interpersonal teamwork skills

4. integrating course themes and content

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[1] Michael Sweet, What is TBL?, http://www.teambased learning.org

[2] *Id.*

[3] See demonstrations and translations at the TBL Collaborative website: http://www.teambasedlearning.org.

[4] MICHAEL SWEET & LARRY MICHAELSEN, TEAM-BASED LEARNING IN THE SOCIAL SCIENCES AND HUMANITIES: GROUP WORK THAT WORKS TO GENERATE CRITICAL THINKING AND ENGAGEMENT 6 (2011).

5. understanding the ambiguity and responsibility of practice

6. self-assessing their own learning

There are four essential elements in a team-based learning course. First, groups must be properly formed & managed. Second, mechanisms for both individual and team accountability must be integrated throughout the course. Third, students must have opportunities for frequent, immediate feedback. Fourth, students must be given assignments that promote both learning and team formation

What Makes Groups Work Well?

1.   A shared purpose

In any group there are likely to be a range of goals or purposes within the group. In a learning group, your task is assigned by the instructor, who has learning goals he or she wishes you to accomplish, but within your group, there are likely to be a diverse range of individual goals regarding that task. One student may want to get an A on every assignment. Another student may want to get the most practical learning out of each assignment but is less concerned about grades. A third student may want to accomplish enough to receive credit in the least amount of time possible.

"If a team learns together about its purpose and goals, it can avoid some of the dysfunctional team behaviors mentioned earlier. The root cause of social loafing, for example, often lies with team members who are privately pursuing their individual goals and have little commitment to the team purpose. At the other extreme, over-commitment can result, particularly in highly motivated voluntary teams… A political action group can become so focused on having its candidate win that it ignores other goals such as honesty and fairness." Anna B. Adams, D. Christopher Kayes, David A. Kolb, Experiential Learning in Teams, 36 Simulation Gaming 330-354 (2005)

2.   A shared process

To get the benefits of a group, you have to be willing to operate as a group. In many experiences, what seems like group work is actually the aggregation of individual work. Without any interaction among the individuals and their contributions, these groups gain no advantage in effectiveness. Research has reported that the extent to which group members communicated and coordinated with each other predicted team effectiveness. J.E. Mathieu, T.S. Heffner, G.F. Goodwin, E. Salas and J.A. Cannon-Bowers, The influence of shared mental models on team process and performance, 85 Journal of Applied Psychology 273-283 (2000).

To get the benefits of group process, the group has to work toward cohesion, communication and conflict resolution. A team has to have some "spirit" or commitment to the group. This group cohesiveness is positively related with group performance and group effectiveness. R.A. Guzzo and G.P. Shea, Group performance and intergroup relations in organizations, M.D. Dunnette and L.M. Hough, eds., Handbook of industrial

and organizational psychology 269–313 (Consulting Psychologists Press, Palo Alto, CA 1992). When a group is very homogeneous, it's easier to get along with one another. However, the downside of this type of cohesion is that a group can be prone to "groupthink" in which groups don't adequately consider their decisions or alternatives before they take action or close discussion. More diverse groups – especially diversity of personality, education, skills and background – are more effective in decision-making and complex tasks. But the downside of diversity is the possibility of conflict. One of the most important factors in the effectiveness of group decision-making is the ability to handle conflict.

Conflict resolution and effective processes require, above all, good communication skills – especially skills of listening and shared leadership. One of the ways in which a group can become terribly ineffective is if it is dominated by one or more individuals or if some individuals are unwilling or unable to contribute to the group.

3.   Confidence

"Several authors have argued that higher levels of perceived collective efficacy are associated with higher level group goals, greater levels of persistence toward the accomplishment of such goals, and greater performance accomplishments. When groups are confident of their abilities to perform a task, they will not only set higher goals but also will work harder toward accomplishing them even under adverse conditions. The group's confidence in its ability to perform a task may also positively affect members' mutual support for one another to carry out the work." Mauricio G. González, Michael J. Burke, Alecia M. Santuzzi and Jill C. Bradley, The impact of group process variables on the effectiveness of distance collaboration groups, 19:5 Computers in Human Behavior 629-849 (2003)(Citations omitted).

Difficult Conversations

Your responsibility as an attorney is likely to involve many difficult conversations, and few are more difficult than the conversations in which you must discuss a mistake. Sometimes the conversation involves your acknowledgement of your own errors. Model Rules 8.3, 5.1, and 5.2 point out that sometimes these conversations will have to be about another attorney's mistake. While Rule 5.2 allows a subordinate attorney to defer to a supervisor's "reasonable resolution" of an "arguable" question of professional duty, determining whether a question is arguable or a resolution is reasonable can be challenging for a new attorney. The place to start, in addition to independent research, is a conversation with the supervisory attorney. If that conversation does not resolve concerns adequately, the attorney may talk to others in the firm, especially if there is an attorney in the firm who is designated as "ethics counsel" or if there is a firm ethics committee.

Whether admitting your own error or questioning the conduct or direction of another attorney, the conversation will be difficult. How do you best approach these conversations effectively and professionally?

In their book Difficult Conversations,[5] Douglas Stone, Bruce Patton, and Sheila Heen point out that every difficult conversation is actually three conversations:

The "What Happened?" conversation, in which you disagree about the facts;

The Feelings Conversation, in which emotions influence the conversation, whether addressed directly or not; and

The Identity Conversation, which is our own internal conversation about how the situation affects our own view of ourselves.

The authors have several suggestions for making difficult conversations more productive.

1. Shift to Learning Stance

In a learning stance you do not assume you know the other person's perceptions, intentions, and interests.   Without giving up your own emotions and perceptions, you are respectful of the dignity and interests of the other person and approach the conversation from a stance of forward-looking learning and problem solving rather than backward-looking blame.

2. Listen

Try to see the situation from the other person's point of view before you try to communicate your point of view. Use the essentials of active listening:

Ask open-ended questions. "Tell me more…" "Help me understand…"
Paraphrase for clarity. Express to the other person, in your own words, what you think you have heard.
Acknowledge the other person's feelings. Feelings left unacknowledged will cause trouble in a conversation. Do not assume you know what another feels, but when they make their feelings clear, acknowledge those feelings.

3.   Adopt the "Yes, And…" Stance

The perceptions, emotions, and values of the other person have value AND so do yours. You are unlikely to impose yours on the other person. The critical component is that you allow yourself to express your view and listen to the other person's view as well. Once you have reached this stage, you can say: "Now that we really understand each other, what's a good way to resolve this problem?"

4.   Recognize the Story You Bring to the Conversation

In the "What Happened?" Conversation, you may assume you already know everything that happened, what was intended, and who should bear the blame.   If you approach a difficult conversation with these assumptions, you will not have a conversation, you will

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[5] D. Stone, B. Patton, & S. Heen, *Difficult conversations: how to discuss what matters most*. (New York: Penguin. 1999). This is an excellent book and well worth reading in its entirety.

have a blaming session. Instead first change your assumptions that you cannot know the other person's perceptions and intentions until you ask and listen and that there are few situations in which one person is solely and completely at fault.

In the Feelings Conversation, an assumption that feelings are irrelevant and should be ignored (or that only your feelings count) is counterproductive. As the authors discuss, "Feelings are the heart of the situation." Address feelings (yours and theirs) before trying to problem solve.

In the Identify Conversation your or the other person may find the conversation challenging to their identity as good or bad or competent or incompetent. Adopting the assumption that both of you are complex and neither is perfect can help maintain balance in the conversation.

5. Focus on Contribution, not Blame

Focus on the factors that created the problem (including your own) in a forward-looking "how do we fix this" attitude.

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Before I have the students conduct individual peer assessments, I ask each team to assess themselves <u>as a team.</u>

> Group processing provides feedback to group members regarding their participation, provides an opportunity to enhance the members collaborative learning skills, helps to maintain a good working relationship between members, and provides a means of celebrating the group's successes. One strategy is to ask each team to list three things the group has done well and one that needs improvement.[6]

To help students learn to provide evaluative feedback, I have provided students the following rubric to discuss and rank their group process. I ask the students to individually rate their team using the rubric and then discuss and come to consensus on their ratings. I then ask them to agree on one concrete example of the group's greatest strength and one suggestion for how they would improve group process for continuing to work with this firm.   Alternately, I have asked students to take a portion of the class to assess their team using the law firm rules they had developed and consider whether those rules needed amendment or elaboration.

These preparatory peer evaluation exercises are never calculated into a grade, but are designed to help the team members become more comfortable with the process of peer evaluation.

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[6] Smith, K. A, Cooperative Learning: Making 'Group work' Work, Sutherland, T. E., and Bonwell, C. C. (Eds.), Using active learning in college classes: A range of options for faculty, New Directions for Teaching and Learning No. 67. (1996).

Group Focus	We did not share a common purpose	We appeared to have similar purposes but sometimes with different levels of commitment to the purpose	We worked toward a shared purpose that respectfully balanced the goals of individuals in the group
Group Cooperation	We did most of the work by ourselves, we talked a little among our group members	We worked together most of the time, sharing information regularly	Everyone worked together using his or her abilities and knowledge to contribute to the learning of all and to the quality of assignments
Distribution of Group Tasks	Some group members did not contribute	Everyone contributed something but some contributions were sporadic or incomplete	Work was shared fairly according to the abilities and interests of the members
Group Leadership	We had no leader so we just did our own thing	No one person was a leader so we usually helped each other get the job done	One or more persons took a leadership role and gave good directions that kept us going
Communication among group members	We only talked when we thought we needed to, but received little feedback	We talked about what we were doing	We usually asked each other for help and showed our work to each other and provided feedback
Individual Participation	A few people tried very hard, but most didn't do much	Each person did some work and tried to do a fair share	Everyone did a good job, I would work with these people again
Listening to other points of view	We usually listened to what others were saying but some either did not share ideas or argued	We usually listened to each other and tried to use to improve our learning and our assignments	We listened while others talked, we learned about different viewpoints, and used what we heard to improve our learning and assignments
Showing respect	No one was courteous and opinions were not valued	Some were courteous and some opinions were valued	All were courteous and valued each other's opinions

At the end of the semester, I have the students submit peer evaluations to me as part of their final project. I use the following instructions for that assignment.

Professional Responsibility Law Firm Peer Evaluation

For each one of your firm partners, rate that partner on a scale of 1-10 on the degree to which he or she contributed to your learning and complied with the firm rules you set at the beginning of the semester. You must distribute your scores – that is, you may not give all partners the same score without a very clear justification for why that would be appropriate.

For each partner, give one example of how that partner was helpful to your learning and one suggestion for how that partner could improve their professional collaboration. The more concrete your examples and suggestions, the better. Keep in mind that helpful evaluation balances positive and critical comments and is concrete. It focuses on behaviors rather than persons.

Your peer evaluations are due the last day of class. If you do not provide sufficient examples, explanations, or a distribution of scores among the team without clear and convincing evidence, I will return your evaluation for further work. All returned peer evaluations must be completed by the first day of the exam period.

I will be collating the scores and comments and returning them to each person in your firm. The compilation will not identify who made which comments. Individuals may but need not respond to their peer evaluation within 5 days after I have distributed the compilations.

SUBMIT YOUR EVALUATIONS INDIVDIUALLY TO THE TWEN DROP BOX FOR PEER ASSESSMENTS. DO NOT SHARE YOUR EVALUATIONS WITH EACH OTHER.

For each partner, then, complete the following:

Name of partner _____

Rating _____

Positive contribution to your learning:

Suggestion for improvement in collaboration

One of the most common questions I get about this process is whether students are honest in their evaluations. That is, will students hold one another accountable. The answer is yes. Each semester there have been a small number of students who have clearly not been as engaged or prepared as their peers. In all but one instance, the peer evaluations of all students in the firm, including the underperforming student, reflect that poor performance.   I have more commonly noted groups in which one student appears to be working harder and contributing more to the group than his or her peers and the peer evaluations do not reflect this as clearly as underperformance. What I often discover from the peer evaluation comments, however, is that the students I had perceived as "over-performing" are, in fact, dominating the team and interfering with the ability of other students to contribute.

One method to improve peer evaluations is to "grade" the evaluations themselves, based on criteria of specificity of feedback, descriptions of behaviors rather than judgmental statements, constructive tone and usefulness to receiver of feedback.