

## **TAU Fellowship Research Report**

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Group 7

### **Collaborative learning in law**

#### **1. Project description**

This project was a design-based research project aimed at developing teaching-learning activities (including assessment) for collaborative learning in a particular module in an LLB programme as a pilot study. In this project, a teaching-learning design premised on the literature on team-based learning was implemented. The design was based both on insights from the literature and focus group interviews with final-year LLB students in 2015 on their experiences of collaborative learning. The central structure of the pilot was the permanent learning team (PLT): groups of five randomly assigned students that worked together throughout the semester, often in class. The project involved the initial design, the pilot implementation and evaluation of the students' experience of this form of collaborative learning.

#### **2. Aims and Objectives/Proposed outcomes**

The aims were to develop, implement and evaluate a first iteration of an approach to facilitate collaborative learning in the particular module that can subsequently serve as a framework for design of collaborative learning more broadly in LLB (and potentially other) programmes. At a broader level, the aim of the project is to challenge the traditional highly individualistic nature of legal education and put forward a pragmatic collaborative approach.

#### **3. Rationale and Motivation for the study**

Legal education is traditionally premised on a highly individualistic perspective on learning, which has often actively encouraged competition between students. This has mimicked a view of legal practice as one of intense competition between individual legal practitioners.

However, the need for collaboration rather than individual competition in legal education has in recent years emerged. This reflects in part the reality that the practice of law is done within collaborative settings (collaborating with clients, other lawyers, courts, government officials, etc.). Collaborative learning can also be viewed as a major element in operationalising Transformative Legal Education, which is a conceptual framework for teaching law in contemporary South Africa drawing on transformative constitutionalism as a guiding theory in South African law, constructivist learning theory and a paradigm of knowledge within a digital context (Quinot 2012:417-418; Quinot & Greenbaum 2015:38-39, 43-45). Collaborative learning supports the emphasis in TLE on the importance of context in legal education (and hence law), the shared nature of generating the meaning of a normative position and the role of law as a key element of community. Collaborative learning can also support the development of a more relational conception of the discipline as well as breaking down a culture of authority as put forward in Transformative Legal Education. Developing successful approaches to teaching and learning collaboratively in legal education can thus be an important way to achieve Transformative Legal Education's objective of modelling the way the law is meant to function in constitutional South Africa through the way in which law is taught.

The importance of collaborative learning in law has now also been recognised in the CHE's 2015 standard for the LLB qualification against which all LLB programmes are currently being reviewed. The standard includes, as an applied competence, self-management and collaboration (CHE 2015, 9).

Against this background, it is evident that there is a particular need to develop ways in which collaborative learning can be incorporated in undergraduate law modules. This need goes beyond simply getting students

to work together in groups. There is a need to actively develop students' competence to function collaboratively. This includes ways to assess students' competence to collaborate.

#### **4. Critical Questions/Research Questions underpinning the enquiry**

The critical questions that the project engaged with were what the design of a collaborative learning approach for a module in undergraduate legal studies could look like and what students' experience of such a collaborative learning approach may be. At a higher level of abstraction, the question is whether one could feasibly shift the teaching approach in law from an individualistic paradigm to a collaborative one.

#### **5. Review of relevant literature including some indication of the theoretical/conceptual framework/s relevant to the study**

There is a voluminous body of literature on collaborative learning, which can broadly be defined as "a situation in which two or more people learn or attempt to learn something together" (Dillenbourg 1999:1). The scale may vary from a pair, to a small group (three-five subjects) a class of 20 to 30, or an even larger group (Dillenbourg 1999:2) but it is notable that a significant body of literature confirms that students "learn effectively, if not best, in small groups" (Dick et al 1993:283; Davidson & Major 2014:7). Collaborative learning is distinguished from cooperative learning in that the latter focuses largely on the acquisition of knowledge with the lecturer driving the learning process, while collaborative learning follows a social constructivist approach in which "knowledge is a social construct developed through the internalisation of social interaction" (Bitzer 2001:99). The terminology is not, however, consistently distinguished in the literature.

One particular strand of collaborative learning that emerges from the literature is team-based learning. This approach seemed the most promising for purposes of the current project. In many disciplines, Team-Based Learning (TBL), has proven quite successful and there is limited literature on its effectiveness in legal education, although nothing in South Africa. TBL is a "specialized form of group learning" in which "student teams engage in meaningful, problem-focused tasks ... The premise of the method is that team cohesion will lead to learning" and the core of the method lies in "the application of the four principles: forming heterogeneous teams, stressing student accountability, providing meaningful team assignments focusing on solving a real-world problem, and providing feedback to the students." (Sisk 2011:665). It is an "application-oriented teaching method that combines small- and large-group learning by incorporating multiple small groups into a large group setting" (Haidet, Kubitz & McCormack 2014:303).

The social constructivist theoretical underpinning of collaborative learning and team-based learning in particular align well with the framework of Transformative Legal Education (Quinot 2012:417), which served as the conceptual framework for this study as a point of departure.

#### **6. Methodology/Methodological Orientation, including a concise account of methods and analytical framework used**

The project involved six sequential steps:

- 1 Develop a better understanding of options for teaching learning activities that promote collaboration in higher education generically based on a literature review.
- 2 "Translate" those generic options identified in step 1 to the context of legal education.
- 3 Engage law students and lecturers on the need for and experience of collaboration in legal education.
- 4 Design teaching learning activities for a final-year LLB module based on steps 1 to 3.
- 5 Implement the teaching learning activities designed in step 4 during the first semester of 2016.
- 6 Evaluate the implementation in step 5 as the final step of a first cycle of design.

The project utilised a qualitative methodology. Steps 1 and 2 comprised of a standard desk top literature review. Step 3 involved focus group interviews with selected individual students and lecturers from the Stellenbosch Law Faculty. A cross cutting selection of students from the final year LLB class of 2015 were invited to participate in the project by participating in small focus group interviews (ranging between 5 and 10 students per group). Step 3 also involved a perception survey of students prior to the commencement of the module in 2016, which was done via the LMS used in the module. Step 6 involves analysis of a follow-up perception survey administered at the end of the pilot to all participating students and mirroring the baseline survey done at the beginning of the semester as well as personal reflection on the outcomes of steps 4 and 5 and analysis of assessment outcomes resulting from step 5.

## **7. Findings**

The focus group interviews with final-year LLB students in 2015 as well as the baseline survey indicated that LLB students in the particular programme have very little exposure to collaborative learning within the formal curriculum. The focus group interviews also revealed that meaningful assessment of the product of collaborative learning was viewed as important to enhance the quality of the engagement in the students' perception. Students furthermore revealed an awareness of the distinct role of group work in the context of the entire module and the importance of aligning group work with other elements of the module.

Only 1% of students indicated in the baseline survey that they had done group work in more than 5 modules over the course of their four or five years of study in law. A significant further number (37%) indicated that they have done group work in only one module before. A majority of 76% indicated that they thought group work had benefits and 70% thought that there is a need for group learning in the LLB programme. However, despite realising the value of group work and the need thereof in the LLB programme, 61% of the respondents noted that they did not enjoy group work.

The pilot design that grew from the literature and the perception surveys was premised on the use of a permanent learning team throughout the semester. Students were randomly assigned to groups of five that served as their collaborative learning group, the permanent learning team (PLT), for the entire semester. In at least one of the three main lectures per week students were expected to sit in their groups and the class engagement required the groups to discuss the topics at hand, mostly in the form of problem-solving. The format of the class was mostly in a question and answer engagement between myself and groups, with input from other groups on the answers.

Students also met in smaller groups during the semester to focus more in-depth on particular aspects of the work. These smaller meetings comprised of a collection of PLTs and students were always expected to sit in their PLTs in these smaller sessions. The activities in these sessions involved more extensive problem-solving exercises, usually dealing with more complex problems.

Towards the end of the semester the PLTs had to complete a major problem-solving assignment together, which was similar in form to assignments that students also completed individually during the course of the semester. The group product was in the form of a memorandum that each group submitted. The memorandum was assessed resulting in a mark for the group product. Every member of the group also evaluated the contribution of each other person in his/her group as well as his/her own contribution to the final group product. This entailed completing a confidential form online in which a mark from a rubric is given to each group member by every other member. The total mark that each student received for his/her contribution to the group was calculated as a percentage that represented that person's contribution to the final assignment of the group. The mark awarded to the group product was then multiplied by the contribution percentage to get the final mark for every student for the assignment. The intention was that this assessment strategy will force students to internalise the importance of the process of collaboration and not simply the product.

At the end of the semester each student was expected to complete an individual reflection on the collaborative learning experience. Another questionnaire on perception of collaboration, very similar to the baseline questionnaire, was taken down right at the end of the semester.

In the follow-up survey 97% of students indicated that they perceived group work to be beneficial, 91% indicated that there was a need for such engagement and 68% indicated that they enjoyed doing group work.

The project findings have, however, not been formally completed. A development evaluation approach is currently being used to determine the outcomes of the project.

## 8. Analysis of findings/Discussion

Drawing on the reflections that students submitted at the end of the semester, it was surprising to see how overwhelmingly positive the students' perceptions were of the collaborative learning experience. This is in particular surprising given that these students overwhelmingly indicated that they do not enjoy group work in the baseline survey. This positive response is confirmed by the results of the follow-up survey.

What emerged quite clearly from the reflections was that the students valued the engagement in class in the PLTs the highest, i.e. they thought that that active engagement had the biggest impact on their learning, as opposed to the assignment which they had to complete together. This is in line with the literature on TBL, which suggests that expecting students to write a significant essay assignment together is not a good method to foster collaborative learning using a team-based learning approach (Michaelsen, Davidson & Major 2014:74). This should already signal a significant shift in the way that group work is traditionally done in legal education, where the main, mostly exclusively, objective is to produce lengthy written assignment together.

It is particularly interesting to compare the results in the baseline survey and the follow-up survey:

Question	Baseline results	Follow-up results
Do you think there are benefits to learn in a group setting?	76%	97%
Do you think there is a need for group learning in the LLB programme?	70%	91%
Do you enjoy doing academic work within a module in groups?	No: 61% Yes: 39%	No: 32% Yes: 68%

Finally, even though one must be sensitive to the complexity of the teaching-learning endeavour and hence the significant challenge in claiming any causal connection between a single intervention and overall marks, it is worthwhile to note that the pass rate in this module increased with five percent this year compared to at least the previous five years where the pass rate has been fairly stable.

## 9. Concluding Comments

The pilot worked quite well and seems to be a feasible approach to adopt in most if not all law modules. While some further refinement of the elements of the programme is called for, this approach by and large delivers a collaborate learning approach that seems to have a positive impact on students' perception of working in groups rather than individualistic and even competitively. The shift in perception is on its own of particular value in legal education.

## References

- Bitzer, E. (2001). Understanding co-operative learning: A case study in tracing relationships to social constructivism and South African socio-educational thought. *SAJHE*, 15(2), 98-104.
- Council on Higher Education (CHE). 2015. *Qualification Standard for the Bachelor of Laws (LLB)*.
- Davidson, N., & Major, C. H. (2014). Boundary crossings: Cooperative learning, collaborative learning, and problem-based learning. *Journal on Excellence in College Teaching*, 25(3&4), 7-55.
- Dick, B., Godden, L., Healy, K., LeBrun, M.J., Airo-Farulla, G. & Lamb, D. (1993). A case study of the 'offices' project (teacher-less, cooperative learning groups) at Griffith University: Implementing educational theory. *Legal Education Review*, 4, 273.
- Dillenbourg, P. (1999). What do you mean by collaborative learning?. In Dillenbourg, P. (Ed). *Collaborative-learning: Cognitive and Computational approaches* 1-19.
- Haidet, P., Kubitz, K., & McCormack, W. T. (2014). Analysis of the team-based learning literature: TBL comes of age. *Journal on Excellence in College Teaching*, 25(3&4), 303-333.
- Michaelsen, L. K., Davidson, N., & Major, C. H. (2014). Team-based learning practices and principles in comparison with cooperative learning and problem-based learning. *Journal on Excellence in College Teaching*, 25(3&4), 57-84.
- Quinot, G. 2012. Transformative Legal Education. *South African Law Journal* 129, 411-433.
- Quinot, G. & Greenbaum, L. 2015. The Contours of a Pedagogy of Law in South Africa. *Stellenbosch Law Review* 26, 29-62.
- Sisk, R.J. (2011). Team-Based Learning: Systematic Research Review. *Journal of Nursing Education*, 50(12), 665-669.