

AALS Conference on Clinical Legal Education
Concurrent Session
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Teaching Collaboration to Students

Intro to Session:

Collaboration skills are important for students to learn as much of the work they will do involves working with others. Especially as we prepare students who are interested in using law to promote social change, we need to prepare students to work in community collaboratively with clients and client groups. The focus of this session is to identify the ways that we can use the work that students do together to teach collaboration skills that can be used in the co-counsel relationship as well as other relationships.

I. Class¹

A. Introduction to Collaboration Issues –

Welcome to the Civil Litigation Clinic. We're excited to be starting a new semester and look forward to working with and learning from all of you. As you know, all our field work and much of our class work is done in teams, so we want to start our seminar by getting to know one another and learning about the skill of collaboration. In particular, we hope that you will learn a framework for thinking about collaboration that we will use throughout the semester

We all come to the clinic with experience working with others, but we don't often think about how we collaborate and why. Collaboration makes for a richer learning experience by exposing us to different work styles, perspectives, skills, and thought processes and for better lawyering by allowing more and better brainstorming and the pairing of complementary strengths and pushing team members to articulate a clear, shared theory for case development. In addition most of you will go on to jobs that require you to work with other lawyers or in group settings with clients and others. Thus, improving your collaboration skills will help you professionally.

Today, we want to begin exploring joint work and making explicit the choices that go into collaboration, including decisions about the kind of joint work to use. Let's start with an overview of different kinds of joint work:²

¹ The two exercises used for the class are ones that we have used in our classes. In exercise one, we allocate more time for the conversation between the participants and usually engage in some report back to the group. The exercises were timed in this presentation to cover more ground faster. Another question that we have used for the introductory part is: "identify an important woman in your life and indicate how that person has influenced you and your work." Attachment A contains a lesson plan for the second exercise.

² This terminology is explored in greater depth in Bryant, *Collaboration in Law Practice: A Satisfying and Productive Process for A Diverse Profession*. 17 Vermont L. Rev. 459 (1993); <http://www.heinonline.org/HOL/Page?handle=hein.journals/vlr17&id=467&collection=journals>

Most common: parallel – we divide the work up among the team members and each member submits his/her work to the supervisor for feedback. May seem most efficient because there is no duplication of efforts but this also bypasses getting a teammate's perspective and can result in fracturing of the work and theory, as the team as a whole may not know what the others are working on or why or how their product fits into the whole.

Next: input – team members divide up the work but give their products to each other for feedback. Still bypasses the joint work that can elevate both the lawyering and learning processes and the final result.

Finally, often most rewarding : collaboration -- joint work that includes shared decision making, input and feedback, resolution of conflict, and responsibility for the project and attendant tasks and products. Initial investment of time may be greater but can save time later, as there is greater shared ownership of the product and awareness of the case needs.

So, how do we make collaboration work?

Know your partner – Who is she (identity, values)? How does she work? How does he think?

Communicate openly and explicitly – How do we share ideas? Give feedback? Make decisions? Organize the work? Support each other?

Learn from each other – About how to think about the case and the client (parallel universes). Substantive knowledge and work skills. Be able to anticipate your partner's perspective – what would he say or do?

Learn to trust – That your partner can play out a scene without intervention. That when intervention does happen, it is not meant as a negative judgment. That conflict can be raised, discussed, and resolved.

B. Class Role play
(Intro – 2 minutes; role play 12 = 14 minutes)

(Have participants take on the role of students)

Introduce the role play to the class:

You will be working in the teams assigned yesterday throughout the semester. In order to help your thinking about how to approach team work effectively, we want you to learn more about each other – motivations, inhibitions, style of work, etc.

Goal: To begin the process of understanding how each student approaches his or her work and why.

*Working with your partners, each of you tell your partner a story about an experience or event that had a significant impact on how you think about yourself, or about others, or about life in general and how this thinking affects your approach to the work you do.

In telling the story, think of how to do it in a way that is both compelling and able to convey a true picture of why you were moved/influenced.

- i. Take 4 minutes to think of the event/experience³
- ii. Then one team member takes 3 minutes to tell the story
- iii. At the end of the story, your partner will take 1 minute to ask at least 2 clarifying questions. (The questions should not be a critique or engage a comparison of experiences or share thoughts on the event and how it motivates your partner).
- iv. Switch.

D. Examination of Task⁴

Joint work can take many forms. In addition to considering individual differences of collaborators, effective organization of joint work requires an examination of the task and the different ways that work can be accomplished. Not all tasks will benefit from the “two heads are better than one approach” and even if the task would benefit, it may not be important enough to use a high degree of interactivity to complete it. Part of organizing joint work is thinking about the tasks and asking the questions: How might this task get done? What are the benefits for Lawyering and Learning that flow from organizing the joint work in a particular way?

The class explored the various ways that we might organize the following task:
Students were asked to think about writing a client’s affidavit to establish eligibility for VAWA self-petition. The affidavit details a client’s narrative of violence and abuse. After interviewing the client several times, you have an understanding of the situation and your team has to decide how to write the affidavit.

Choices include

- *Collaborative - sit at computer together or some other highly interactive way*
 - *Shared responsibility*
 - *Shared decision-making predominates*
 - *Interactive exchanges*
- *Input - one drafter other feedback*
 - *Individual Decision Making*
 - *Individual responsibility*
 - *Interactive Exchanges*
- *Parallel - divide it and give to supervisor*
 - *Individual Decision Making*
 - *Individual responsibility*
 - *Few if any Exchanges*

³ This explanation should be repeated at the timed moments in the exercise and is facilitated if a power point description of the task and its steps are projected.

⁴ A class plan for this class that explores this approach in greater detail is attached to this outline. The students in the class usually read the *Collaboration in Law Practice* article.

Given the shortness of time the class was asked to consider the benefits and detriments to deciding to draft the affidavit together at the computer. Benefits and detriments should be examined for both lawyering and learning.⁵

Transition to Teaching Collaboration in Supervision.

E. In Supervision

Scenario shown on DVD available on CUNY website <http://198.180.141.11/Clinic/>

The supervisory session takes place after an initial client interview about 3 weeks into the semester- thus the students are still beginning to form their interaction patterns and supervisory intervention might make a difference before problems occur. Some collaborative learning theorists have identified different stages of group formation. Forming, Storming, Norming, Performing, Adjourning. The students on the tape are at a storming stage – they are testing out relationships and struggling with how to organize work. This is a perfect time for a teacher to intervene and help the pair engage in thoughtful “norming” where the pair sets norms for how they are going to work together.

Show video and ask participants to think about how they would supervise this pair of students on the issue of collaboration. (The students are played by CUNY faculty.) Donna Lee is a student who "came to the clinic to do immigration and DV work;" Donna is a take charge student, answers all the questions first, prefers to divide work rather than do work jointly, is Korean American and does not speak the client's language which is Spanish. Wendy Bach, the second student speaks Spanish and is Anglo - but maybe not obviously so, she had follow-up conversations in Spanish after the interview with the client that revealed new concerns and new information, she articulates different client concerns than the one Donna picks up on; she is the quieter of the two puts gets her ideas on the table.

Students report on interview-- Donna says good interview, client wants VAWA seems like she has a good case - may need some more research before we start drafting. Wendy reveals the conversation with the client - that she may not have had a valid marriage with the current husband because of a prior marriage that may not have been properly resolved.

At some point, Wendy does a very gentle critique of the interview to explain why they did not get the info about prior marriage. Supervisor asks why those facts not in memo -- Donna acknowledges that she wrote the memo didn't know facts - thought she would get the memo done to aid the conversation-- hasn't consulted Wendy.

Wendy says client also told her in phone call that she has an unpaid CON ED bill and they are about to shut off the electricity, Wendy knows that you can call CON ED and negotiate and she thinks they should do that. Donna says OK if you want to do that -- Lets divide up I'll do the research on VAWA as that is what client really cares about and what I know how to do and Wendy should take care of CON ED

⁵ The chart that was created during the session is Attachment B

Wendy says she would also like to work on VAWA -- tape ends

- a. Show video
Ask participants to identify collaboration issues that they see in the tape and write them down (5 minutes for video and 3 minutes post video to finish writing down issues)
- b. Supervisor role play:
 - i. put supervisors in pairs as co-supervisors (same person did storytelling exercise with)
 - ii. have teams share collaboration issues that they see and add any that occur through the conversation
 - iii. prioritize the supervision on these issues and identify any differences
 - iv. develop a supervision plan or agree on a first topic
 - v. do supervision based on the conversation (one or both, as team decides)
(10 minutes)
- c. Fishbowl
Ask for a few volunteers to role play supervision with students in a fishbowl for all to watch. Pick different issues to supervise about, making sure to get a supervision that explores the role students' different experiences and identities are having on the ways they work together, share decision-making; identify options, etc. (15 minutes)
Ideas that tape raises – suffice it to say that we will not get to all of these:

Making Work Allocation between co-counsels – based on interest, talent, knowledge – learning?
Language disparity and its effect on relationship with client and relationship between students
Role differences – taking cues from clients or from what lawyer knows
Race & ethnicity – how do those shape how students hear clients and relate to each other? Does interests and experience shape how they hear what they hear?
How does who they are contribute to the pair's learning and lawyering?
How to reflect critically on a situation where you are not the only actor – one student suggests that maybe the interview did not go as well as planned but seems reluctant to fully develop that – is it because it was jointly done?
What happens when one student takes over task of writing? Is it possible that later in the semester the take charge student will resent the student who “is not pulling her weight?” Will the student responding to client feel she is doing all the “client care?” Intervene in dynamics while relationship is in the formation stage – instead of problem stage. Note, in the disparity of work and control issues there is often imbedded complex race, gender and class dynamics
Lack of planning and sharing info with co-counsel before supervisory session
Role of supervisor - a mentor, mediator, senior attorney
Body language – who are students looking at? Talking to? Teacher directed conversation

Something good that the students did – always have something good to say about job- since we are talking about collaboration what have they done that evidences good collaboration? – Here they had planned for interview. Each might have done other things well.

Hopefully all of these issues are related to good working relationship – respect, listening, joint learning, interdependency,

Better work product – taking advantage of 2 minds, division of work thought through carefully from the perspective of learning and lawyering.

F. Out of role debrief exercise and class (15 minutes)

Questions:

1. Did you discover any differences in style and motivation from the initial storytelling role play as students that informed your approach to the supervision collaboration?
2. Did the insights from the storytelling create/support or break down barriers to effective collaboration?
3. Did the explicit conversation about difference give you any insight into yourself?
4. Do you see exploring differences as a way to promote learning, reflection/self-assessment and/or expansion of ways of working?
5. Did the supervision exercise help your thinking about teaming students and the issues collaboration creates for them?

Points: Explore learning on several levels (modeling and from experience)

Consider the barriers students must overcome

--work-style; interactive style; gender; race; class; ethnicity;
language

Hard to think of as a constructive venture when consider what must be addressed, yet it is a rich opportunity both for learning and for understanding the benefits of collaboration with regard to effective representation.

G. Closing CARWINA and SAMEER
Connection to other lawyering activities

Attachment A

Class Plan for Intro Class that Introduces Students to Clinic through lens of collaboration.

First Class: Intro to Joint Program, Each Other and to Collaboration

Goals for Class

1. Intro students to us, us to them and to each other – Learn names, learn something about each student –
2. Begin to create a community of learners
3. Introduce the Course – how we are going to operate – instill confidence, excitement, motivation
4. Learn about skill of collaboration

Be able to identify the differences between parallel, input and collaborative work-characteristics & perhaps some of the ethical restraints on the work?

Be able to identify work style, communication style or process values differences in their own and fellow collaborators work

to begin to understand a framework for analyzing joint work that enables students to plan work effectively and to problem solve when difficulties appear.

Through the process of talking about collaboration – we will learn more about the kind of work/learning the clinics do and introduce ourselves to each other.

Introduce the structure of the clinic and all of the collaborations

Working Groups - You are all assigned to a working group – your working group determines your case assignments and your specialized focus – there is a lot of overlap – we all represent immigrants and immigration issues permeate our work; we all do individualized case work and project work. We work in teams. You meet as working groups – usually 2x per week. Once in rounds – sessions focused on cases Tuesdays 11 – 12 and once in class on Thursdays to focus on developing specialized knowledge and skills or to apply in a particular context the learning that occurs in the joint classes. Allow for differences

Joint Program Classes meeting in joint classes Working Groups, these classes are focused primarily on skills and lawyering perspectives; we seek to draw out the similarities between our work here. Will meet in joint session in Room 260 – first meeting is Tuesday.

Supervision You will work with partners 2 – 3 people on a case and meet weekly with your supervisor. Your supervisor will be responsible for supervising your learning as

well as your case work. We have outlined in the manual our expectations for ourselves as supervisors as well our expectations for you in these weekly meetings. Please take the time to read it before our first sessions. Supervisors will supervise across working groups.

Case work Each of you will do a number of different kinds of cases. Some will be complex undertakings and some will introduce you to more routine aspects of practice. Of course, nothing is routine to the clients it benefits or perhaps to those of you doing it the first time.

Project work All students are expected to select a project to work on. The project work which we will discuss in more detail in a minute allows us to focus on different issues or to work in different ways to assist clients in addressing issues more systematically or more collaboratively. Project work can occur across working groups and supervisors.

Classroom work Involves consultation on cases. Often students' cases are the focus of the classroom experience in rounds and in other sessions we will give each other feedback on how to improve representation and learn from each other.

I. INTRODUCING THE CLINIC AND THE JOINT WORK MODELS—RECOGNIZING THEM AND IDENTIFYING STRENGTHS AND WEAKNESSES

Think about student work in these scenarios. What kind of joint work is it and what are the strengths and weaknesses of using this approach for learning and for practice?

Two students – working on a case – one of the core learning experiences - work group defines this – explain work group; learning occurs through work with co-counsel and client; supervision of faculty and reflection on the experience. Supervisor is a person who supervises your case work but also your learning. Hopefully, this is the go to person in the program- if you have problems suggestions, need help with a resume, writing sample –

1. Collaboration Two students have been assigned to work with a client who is doing a self-petition under VAWA (Violence against Women's Act) for status. A key piece of this application is a detailed affidavit by the client basically telling a narrative of violence and abuse to establish her eligibility for the self-petition. After interviewing the client several times together, the students sit at the computer together and draft the affidavit.

What model of joint work are they using? Collaborative

What makes it Collaborative – identify characteristics,

joint decision-making,

feedback,

resolution of conflicts,

joint responsibility for final product.

What are benefits for lawyering? (Some that students might identify)

key part of case,

2 heads are better than one,

need to have a clear shared theory for case development;

may bring complementary strengths to the project.
building community in pair – (depends on process values?).

Weaknesses for lawyering?

takes a longer time – may be other things to do on the case

What are learning benefits?

modeling learning from each other,
learning to work together and share joint decision making,
learning another's perspective and thought process

Learning weaknesses?

does one person dominate,
not a chance to try it on your own
pacing

2. Input

The same students interview each interview separately a fact witnesses supporting the client's story and each draft an affidavit. They meet and give each other feedback on the affidavits. Each then redrafts the affidavit.

What model of joint work are they using?

In put – characteristics,

feedback

ultimate authority for final product (no joint decision making)

no delegation issues – clear who is responsible for what.

What are benefits for lawyering? (Some that students might identify)

get work done;

feedback benefits of perspectives;

do not have to word smith a document that may not require it

Weaknesses for lawyering?

Both are professionally responsible for product – what if one produces an inferior product?

Benefits and challenges for learning?

How does the learning vary when you are by yourself at the computer and when you work together? Benefits to both. Clear feedback about your own work is an important part of clinical experience. Ongoing feedback in the moment gives you insight into someone else's brain – perspectives that feedback on final product does not.

2. Project Group Work – everyone will work on a project group that will involve you with communities and organizations, variety of topics, not determined by work group; we have projects going across working groups, faculty supervised.

BWRC and IRRC clinic did a joint project that grew out of our work with a community organization that worked with Latinas on issues of DV. This organization had identified a number of women who were eligible for a self petition. There were too many cases for students to handle on case by case basis. The community group staff and faculty (law faculty and social work faculty) conceptualized a self-help clinic in which women could draft their own petitions and work with a pro bono attorney who could take the women's work and prepare the petition. Women were also encouraged to become a resource for each other and for other women in the community who were experiencing similar issues.

The project had two pieces. The first – training pro bono lawyers in immigration and the VAWA self-petitions. Three students from the IRRC prepared and delivered 2 different trainings working off the same training material. The second piece was a 10 week course offered to the women who were preparing their self-petitions. A social work student specializing in organizing worked with the community group to organize a group and came to all of the sessions. Social work students taught classes in what is domestic violence and law students taught courses in what is VAWA, how to draft an affidavit, and how to prove a case. These courses were taught in pairs by different students. Each pair developed material for the session and each teaching session was followed by a working session in which the women wrote their affidavits or assembled their proof.

For the session on gathering proof, 2 students produced a document that described all of the different types of proof that might be used to prove good faith marriage and physical or other cruelty. One student a former police officer developed a detailed list of how to go about getting police documents, another student worked on hospital records, a third student who was computer savvy formatted the presentation and created handouts and power point,

The final session involved talking with the women about how to work with their lawyer successfully.

What are the models of joint work at play here? Identify as many collaborations as you can

Community Group Leader and faculty

Social work faculty and law faculty

Social work students and law students

Clients and community group leader

Students and clients

Clients and Clients

Law Students and law students

Students and faculty

Students, faculty and community and clients

What are the strengths and weaknesses for learning and lawyering? Abandon this question for class discussion if time does not permit.

Two students are working on an affidavit they bring it to a supervision session with the faculty member for feedback and the session they redraft the affidavit for submission.

II. THE COLLABORATORS – HOW DOES THE WAY WE WORK INFLUENCE THE JOINT WORK – INTRODUCING OURSELVES AS COLLABORATORS.

Did you recognize yourself in any of the descriptions of the individual differences that influence the way we organize our work and communicate about it? How does your work style, communication style or process values influence your work? Can you think of a collaboration either here or in work outside the law school where the way you worked complemented your co-counsel's work? Be prepared to describe the collaboration. Can you think of a time where the way you work created challenges to the collaboration? How was the work effected – what steps did you take to meet the challenge?

Attachment B

Benefits/Detriments

Lawyering	Learning
Instant FEEDBACK	+Window /other's work
TWO MINDs better	+Respect /perspective
Motivation	Build Learning unit
Each full knowledge	-Focus on conflict
Learn from each	-Stuck in sub. role
Get done faster	
Joint strategizing	
Forced to articulate	
Thinking out loud	
-	
Duplication of work	
Verbalizing time cost	
Slower	
Lower quality	

