PROCEEDINGS

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THE POWER SKILL OF WORKING WITH OTHERS

ANNE E. MULLINS

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Working effectively with others is one of the most important skills for lawyer success.[2] When I tell students I am placing them into permanent teams for the semester, however, the response is not quite enthusiastic. More commonly, the responses range from deer-in-headlights to curiosity tempered with hesitation. The curiosity vanishes and only the hesitation remains after I share that teammate evaluations will be part of their final grade.

I have taught Team-Based Learning (TBL) for over five years. TBL is a collaborative learning process that starts with individual work, followed by teamwork, culminating with feedback; rinse, repeat.[3] The backbone of TBL is permanent student teams for the entire semester or year.[4] Two of the biggest challenges in TBL are getting students to buy into the process early in the semester and getting students to evaluate each others' performance meaningfully.

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[1] Anne Mullins is a professor at Stetson University College of Law.

[2] *See, e.g.*, Neil W. Hamilton, *Changing Markets Create Opportunities: Emphasizing the Competencies Legal Employers Use in Hiring New Lawyers (Including Professional Formation/Professionalism)*, 65 S.C. L. Rev. 547, 552 (2014) (reporting that the legal employers the author surveyed considered the ability to initiate and maintain strong relationships "very important to critically important" in new attorney hiring decisions).

[3] For more on Team-Based Learning, see *e.g.*, Jim Sibley & Peter Ostafichuk, *Getting Started with Team-Based Learning* (2014); Melissa Weresh, *Assessment, Collaboration, and Empowerment: Team-Based Learning*, 68 J. Legal Educ. 303 (Winter 2019); Anne E. Mullins, *Team-Based Learning: Innovative Pedagogy in Legal Writing*, 49 U.S.F. L. Rev. F. 53 (2015); Sophie M. Sparrow & Margaret Sova McCabe, *Team-Based Learning in Law*, 18 Legal Writing: J. Legal Writing Inst. 153 (2012); Melissa Weresh, *Uncommon Results: The Power of Team-Based Learning in the Legal Writing Classroom*, 19 Legal Writing: J. Legal Writing Inst. 49 (2014).

[4] The key components of TBL are (1) permanent teams, (2) the readiness assurance process, (3) team exercises, and (4) accountability. *See* Weresh, *Assessment, Collaboration, and Empowerment*, *supra* note 3, at 306.

In this essay, I share some of the strategies I have developed to overcome these challenges.

Creating Buy-In

Creating buy-in from the very beginning of the semester is key. Semesters are short, and most teams take several weeks to begin functioning effectively. The longer a student languishes in skepticism, the longer it will take the team to reach its full potential. Information alone will (sadly) not overcome the skepticism. I've tried: I have shared stories about the success of teamwork in promoting learning, and I have read excerpts from empirical studies showing that teamwork is one of the most important skills to legal employers. These stories and studies move the needle, but not enough.

After several years of talking to students about their initial reticence, I have realized that "teamwork" has very different connotations based on each student's experiences. Some have experienced teamwork in the academic context as a construct laced with frustration, exploitation, or exclusion. Unclear expectations, unfair division of labor, and poor communication are usually to blame. Moreover, implicit biases can permeate team interaction and replicate systemic discrimination within the team. As a result, I have instituted a three-part process to create buy-in and overcome skepticism. That process includes explicitly defining "teamwork," developing and writing down team members' expectations of each other, and setting goals together.

First, we explicitly define "teamwork" for the purposes of our class. Teamwork means (1) working together so that all members of the group master course objectives, (2) building consensus, (3) fulfilling team expectations, and (4) accomplishing clear objectives together. Successful teamwork requires students to develop self-awareness and ultimately be individually accountable for their learning and progress. Then, the team environment creates two

distinct learning partnerships. The first partnership is between the members of each team. The second is each team's partnership with me. In my class, these partnerships are sacred.

The affirmative definition alone is not enough. Students also benefit from hearing what teamwork is not. While teamwork means shared responsibility, shared responsibility is not an invitation to economize effort spent. When we say that teamwork requires consensus building, they must appreciate that consensus building actually requires building. Building consensus is hard work; it is not taking straw polls and reflexively deferring to the majority.

Once we have defined teamwork, the teams must determine the expectations for their partnership with each other. A healthy team has shared expectations that all team members understand fully. The teams determine what their expectations are and write them down; I provide input to ensure that their expectations are robust and reasonable. In the process, I also set expectations for their partnership with me.

Typically, the team expectations center on communication, dispute resolution, and privacy. Teams always expect good listening. How the teams define good listening varies; some ask for non-verbal cues that teammates are following along, some ask that teammates remain mindful of talking over others; some ask each other to withhold judgment until after reflection. I usually ask them to add encouraging dissenting voices—usually, there is a dissenting voice, and that voice can become very quiet in the face of a growing and vocal majority.

Teams place high value on effective dispute resolution. They tend to ask each other to address problems directly, one-on-one. They expect respect and kindness during difficult conversations. My add-on to this part of their list is to assume good intentions. For example, if a teammate appears underprepared for class, they should open with an observation and a question. Instead of, "You need to be more prepared for class," something along the lines of "You

seemed to hold back during our discussion today. Is everything ok?" tends to be more effective. It maybe that the teammate is well prepared for class but is feeling nervous about speaking up. It's also possible the teammate isn't prepared for class. If it's the latter, the teammate is likely to respond with more self-awareness and candor to an inquiry made from a place of concern and kindness.

Finally, teams tend to ask for some form of privacy in the team environment. This way, they can make mistakes and ask questions without fear of looking foolish in front of other classmates. In response, I usually invoke a similar rule for our legal writing class—what happens in legal writing stays in legal writing. Our class is a safe space to make mistakes.

In addition to shared expectations, healthy functioning teams have shared goals. I encourage them to think of their team's goals, and I require them to include promoting each other's learning among them. I also commit to them that I will delineate clear learning objectives for every exercise and assignment.

Giving and Receiving Feedback

Generating buy in, however, is not enough to make the TBL model work well. Even students who have bought in to the learning model still struggle with giving meaningful feedback to teammates. Learning to give and receive feedback is a crucial element of being a member of an effective team. Moreover, feedback is a powerful aid to becoming a more self-aware team member and improving teamwork skills. As a result, a core element of Team-Based Learning is peer evaluations.

For me, learning how to teach students to provide effective feedback was a process. The first few times my students evaluated teammates, I fell short. I told them that giving and receiving feedback is a critical skill. I also shared that feedback is the best way to improve developing skills. I then asked them to share positive and constructive feedback for each teammate on an anonymous basis.

The evaluations are part of their final grade, but I emphasized that the evaluations are a very small part of that grade—in my class, less than 2%. I also commit to them that I remove points only for poorly executed evaluations or repeated rounds of evaluations that signal a failure to meet a basic expectation. Notably, I have only ever deducted points for the former; I have never had to deduct points for the latter. With that context, the students sent their evaluations to me. I reviewed them for substance and to ensure that the evaluation will remain anonymous when distributed. I then compiled the evaluations and shared each student's evaluations with that student.

The evaluations were vague and mealy-mouthed. Most were along the lines of, "You're great. Keep on doing what you're doing!" Not helpful. Obviously, telling them the purpose and importance of evaluations did not inspire more meaningful evaluations, so I shared the information again, but this time with gusto. It still didn't work.

I slowly began to add more direction and structure to the process to help the students produce better substance. I encouraged them to review their written expectations as they evaluated each other. I also gave them prompts, along the lines of these:

Something I appreciate about my teammate is _____.

Something my teammate can improve is _____.

The students were more specific with their positive feedback; the constructive feedback remained vague and unhelpful. Much of the feedback in both categories went to their teammates' personal characteristics or perceived attitude, and not to their teammates' contributions as a teammate.

I designed the next iteration of the prompt to focus the students specifically on learning within the context of the team.

My teammate promotes our team's learning by _____.

My teammate could better promote our team's learning by _____.

The focused frame produced far more substantive evaluations. The constructive feedback, however, still remained more timid than the positive feedback.

I finally refined the constructive feedback prompt in terms of offering advice instead of giving feedback or criticism. I made the change after reading an article on how executives can elicit more meaningful constructive feedback from their subordinates.[5] While that dynamic is not entirely analogous to the TBL dynamic, the underlying obstacles to feedback were eerily similar: Evaluators held back out of fear that the person being evaluated did not want to hear constructive feedback. On top of that, students frequently express discomfort critiquing other students' work because they have not yet mastered the skills they are evaluating. Framing reviews in terms of advice seems to put students more at ease because they don't feel as though they are representing universal truths; they're representing only their truth. As a result, I currently use the prompts:

My teammate promotes our team's learning by _____.

My best advice to my teammate on how to better promote our team's learning is _____.

Jackpot! The refined prompts, along with class discussion about the purpose and importance of evaluations, produce much more meaningful information for the students.

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[5] Robert S. Kaplan, *Top Executives Need Feedback—Here's How They Can Get It*, McKinsey Quarterly, 2011, Issue 4 at 60, 60-71.

Over the last two years, I have added a self-reflection component to the team evaluations. Before evaluating any teammates, students must complete the following prompts themselves:

I promote our team's learning by _____.

I could better promote our team's learning by _____.

The quality of the responses from the first times my students did evaluations to now is markedly improved. My suspicion is that the required self-reflection encourages students to examine more closely their team's written expectations as they engage in the exercise. I also suspect that it frees them to give feedback to each other—if they are assessing themselves closely, they are more comfortable assessing their teammates closely as well. The self-reflection piece also adds an opportunity for them to evaluate their own skills of self-assessment. If their perceptions of their contributions differ significantly from their teammates', they learn that they may need to practice more self-awareness.

Creating buy-in and eliciting meaningful evaluations have been my biggest challenges in using Team-Based Learning. Providing structured opportunities for team formation to define teamwork, develop expectations, and set goals helps students buy into the team approach. Pairing self-evaluation with teammate evaluation and facilitating those evaluations with focused prompts produces more meaningful evaluations. My journey is a nice reminder that, as in most things, strong structure produces strong substance.