

RESEARCH ARTICLE

Online Collaboration as a Pedagogical Approach to Learning and Teaching Undergraduate Legal Education

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Abstract:

Legal education is in a period of rapid development driven by changing industry demands and developing technologies. This paper will describe an innovative pilot study which utilises new technologies to provide an alternative mode of teaching and learning to meet growing industry demands for graduates who are technologically savvy and have strong communication and collaboration skills. The pilot redesigns a law unit combining a more traditional approach with an approach in which online collaboration is critical to student learning as a teaching and assessment tool. After completing an online collaboration activity as part of their assessment for the unit, students completed an online survey to identify their perspectives of the online collaborative experience. The online survey data was analysed to identify common themes and the experiences of students are shared in this paper. The paper provides an example of how instructors might take advantage of a learning design process, online tools and infrastructure to develop educational experiences which promote communication and collaboration within the law discipline. It will also include five recommendations to consider when including online collaboration in unit design for law students.

Introduction

Traditional legal education has revolved around a didactic teaching approach, whereby the law lecturer imparts their legal expertise and knowledge to students in the form of lectures and notes.¹ Another prominent pedagogical approach in Legal education is the use of the Socratic Method. This teaching approach is teacher centred, and involves a “rigid relationship between teacher and student”². It usually includes one student being questioned by the lecturer, whilst other students watch on. There is a growing body of research suggesting however that it may be time to reconsider the reliance on these approaches in legal education. One argument is that such pedagogical approaches can foster a competitive learning environment for law students, producing a lack of self-esteem, problems with motivation and a variety of anxiety issues many law students.³

Advances in technology have changed how the modern legal practitioner works, placing greater emphasis on the technological skills of law graduates.⁴ Legal firms expect students to be up to date with,

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¹ M. Pistone, “Law Schools and Technology: Where We Are and Where We Are Heading Igniting Law Teaching” (2014) 64 *Journal of Legal Education* p 592.

² S. A. Childress, “The baby and the bathwater: Developing a positive socratic method” (1984) 18(2) *The Law Teacher*, p95

³ G.F. Hess, “Heads and Hearts: The Teaching and Learning Environment in Law School The Law School Experience” (2002) 52 *Journal of Legal Education* p 77.

⁴ Pistone, *supra* n. 1, p 592.

for example, mobile technology and social media⁵. Legal graduates are expected not only to be technologically savvy, but also have teamwork and communication skills.⁶ These skills are deemed valuable in developing a collaborative workplace culture aimed at effectively managing client needs, and encouraging innovative practice as well as building staff capacity.⁷

Legal educators are listening to such industry demand as can be seen in the inclusion of effective communication skills and the ability to work well with others in the threshold standards for undergraduate legal education laid down by the Australian Council of Law Deans in 2010.⁸ This standard was introduced based on demand from members of the legal profession, who identified that teamwork and effective communication are critical to the success of a legal graduate. It was considered that the particular focus of communication and collaboration should be on negotiation skills and working through team dynamics and disputes.⁹

Similarly, in the wider employment industry, communication and teamwork are recognised as important employability skills. Education Services Australia states that being able to interact with others is a core skill that will contribute to the success of any employee, including the ability to communicate effectively to meet work outcomes, build rapport and understand differing perspectives when managing conflict.¹⁰

Given the current expectations of the legal industry for Law graduates to use communication skills and teamwork, there needs to be greater emphasis in legal education on developing these skills both in face to face classes and online.¹¹ This paper will describe an example of how to embed online collaboration in a legal education unit. It will consider findings from a small pilot study of online collaboration in a law unit and recommend guidelines for learning design around online collaboration for legal education.

Current teaching in Law

Internationally, the Socratic Method, also known as the “Landellian method”¹² has historically been the predominant teaching methodology used by Law Schools. This approach is perceived as beneficial in developing student analytical and independent thinking ability, as well as verbal communication skills.¹³

However, the Socratic Method has been criticised due its potentially negative experience and effects on Law students.¹⁴ It can contribute to building a competitive and comparative culture of Law School, which contributes to the development of a social hierarchy often associated with legal

⁵ F. Grealy, “Mobile professional learning for the legal profession in Ireland – a student-centred approach” (2015) 49(3) *The Law Teacher* p 206.

⁶ J. Weinstein, L. Morton, H. Taras and V. Reznik, “Teaching Teamwork to Law Students” (2013) 63 *Journal of Legal Education* p 40.

⁷ F. Grealy, *supra* n. 5, p 206

⁸ Australian Teaching and Learning Council, *Learning and Teaching Academic Standards Statement December 2010* (Dec 3 2010) <<http://www.cald.asn.au/assets/lists/ALSSC%20Resources/KiftetalLTASStandardsStatement2010.pdf>> (Accessed 18 August 2016).

⁹ Australian Teaching and Learning Council, *supra* n. 8.

¹⁰ Education Services Australia, *10 Core Skills for work* (2015) <<https://myfuture.edu.au/career-insight/what-are-employability-skills>> (Accessed: 10 October 2016).

¹¹ L.K Long and P.A. Meglich, “Preparing students to collaborate in the virtual work world” (2013) 3(1) *Higher Education, Skills and Work-Based Learning* p 9.

¹² R.K. Stropus, “Mend It, Bend It, and Extend It: The Fate of Traditional Law School Methodology in the 21st Century” (Spring 1996) 27(449) *Loyola University Chicago Law Journal*, p 450.

¹³ *Ibid.*, p 450.

¹⁴ Hess, *supra* n. 3, 76.

education.¹⁵ It can be argued that the emergence of this hierarchy is counter-productive in terms of the collaborative approach so desired by law firms. The Socratic Method is also well documented to lead to poor self-esteem, stress and mental health of law students.¹⁶ It can cause a divide between legal education and practice, and as such, a variety of teaching approaches should be used to provide teaching on practical legal skills.¹⁷

More recently, other teaching methodologies have become prominent in legal education. There has been a change or emphasis on the development of a learning environment that involves less pressure for law students.¹⁸ This has seen the rise of problem based learning or problem solving as a pedagogical approach used with many law schools.¹⁹ Further, there is also a demand now for clinical legal education to be developed throughout the legal curriculum, focussing specifically on Legal skills training.²⁰

These changes are being driven by a combination of factors. In part, there is a dissatisfaction with the effects of the traditional Socratic Method.²¹ Along with changing perceptions of how students learn and the rise of modern pedagogies, this has resulted in reflection upon, and changes to, teaching practice by legal educators.²² Changes in technological advancement have led to distance education offerings to law students which has modified the way content is presented and taught.²³ Lastly, there has been greater expectation from the legal community that Law students graduate with teamwork and communication skills to succeed in their legal careers.²⁴

While legal reasoning, problem based learning, and the Socratic Method continue to have a place in legal education,^{25 26} for all the reasons outlined above there should be room in the curriculum for developing student collaboration and communication skills.

Collaboration in Legal Education

Often the terms collaboration and cooperation for student learning are used interchangeably in the legal education literature. Although there are differences in these terms for legal education, they generally mean students working in pairs or groups to complete a specific task. It also involves viewing learning as social, active and respectful of fellow learners.²⁷

¹⁵ D. Kennedy, "Legal Education and the Reproduction of Hierarchy" (1982) 32 *Journal of Legal Education* p 593.

¹⁶ C.S. Zimmerman, "Thinking beyond My Own Interpretation: Reflections on Collaborative and Cooperative Learning Theory in the Law School Curriculum" (1999) 31 *Arizona State Law Journal* p 968.

¹⁷ Stropus, *supra* n. 12, p 461.

¹⁸ O.S. Kerr, "The Decline of the Socratic Method at Harvard" (1999) 78 *Nebraska Law Review* p 124.

¹⁹ I. McCall, "Online Enhanced Problem-Based Learning: Assessing a Blended Learning Framework" (2010) 44 *The Law Teacher* p 44.

²⁰ R. Spencer and M. Atkinson, "Towards a Pedagogy of the Integration of Clinical Legal Education Within The Law Curriculum: Using De-Identified Clinic Files Within Tutorial Programs" (2015) 25(1) *Legal Education Review*, p 121.

²¹ Zimmerman, *supra* n. 16, p 968.

²² S. Colbran and A. Gilding, "E-LEARNING IN AUSTRALIAN LAW SCHOOLS" (Pt Legal Education Review) (2013) 23(1/2) *Legal Education Review* p 213.

²³ D.C. Powell, "Five Recommendations to Law Schools Offering Legal Instruction Over the Internet" (2006) 11 *Journal of Technology Law and Policy* p 289.

²⁴ Weinstein *et al.*, *supra* n. 6, p 1.

²⁵ Stropus, *supra* n. 12, p 212.

²⁶ Kennedy, *supra* n. 15, p 583.

²⁷ Zimmerman, *supra* n. 16, p 959.

The benefits of collaboration for legal education are widespread and relevant for legal graduates. Apart from providing students with the opportunity to learn from each other as they share knowledge, it also provides practical teamwork experience. This shapes students for future employment, as they develop communication skills that are transferable across various contexts, and value the differing perspectives of the people they are working with, improving client outcomes and interactions.²⁸

There are other advantages in teaching students to collaborate in an online environment. Given the demands of the technically driven workplace, collaborative learning assists students with understanding how to apply skills such as time management, project management, and communication skills in an online setting.²⁹ Further, online collaborative activities can assist in developing student emotional awareness, cultural competence, and leadership ability.³⁰

Whilst there may have been hesitance in the past to use technology for legal education,³¹ most law schools understand that technology can increase student engagement with unit content, and meet student demands and learning styles.³² Further, workplaces and legal practices want law graduates to understand how technology is being used to make the legal profession more efficient, particularly in relation to legal research and providing networking opportunities for staff.³³ Law firms are also undergoing a period of technological change, whereby digitization of legal data and research are making the legal practitioner increasingly tech savvy and efficient.³⁴

Despite this, Zimmerman³⁵ identifies many law lecturers are not receptive to collaboration as valid teaching methodology in Law, preferring traditional and problem based teaching approaches. It is thought that the student centred nature of collaborative learning is at odds with the traditional teaching methodologies associated with legal education. It is also commonly believed that Law students do not like group work, or collaboration and hold reservations about it as a learning approach.³⁶

Holzweiss *et al.*,³⁷ report outcomes of their study into online groupwork in a distance education course. One of the findings was that the students recognised a deeper understanding on unit content, social benefits and valued learning from others. Current literature in legal education does not report many outcomes or examples of effective online collaboration for undergraduate students. One example is the students from the Glamorgan Law School using 'video conferencing' and other iPad functions to collaborate together for an Employment Law unit. This seemed to create authentic learning experiences

²⁸ T.J.M Bench-Capon and P.H. Leng, "Computer-mediated Collaborative Learning of Legal Argumentation" (Pt Routledge) (2000) 9(2) *Information and Communications Technology Law* p 234.

²⁹ Long and Meglich, *supra* n. 11, p 10.

³⁰ K. Kereluik, P. Mishra, C. Fahnoe and L. Terry, "What knowledge is of most worth: teacher knowledge for 21st century learning" [127] (2013) 29 *Journal of Digital Learning in Teacher Education* p 132-133.

³¹ Powell, *supra* n. 23, p 289.

³² Pistone, *supra* n. 1, p 587.

³³ Weinstein *et al.*, *supra* n. 6, p 2.

³⁴ A. Brunet Marks and S.A. Moss, "What Predicts Law Student Success? A Longitudinal Study Correlating Law Student Applicant Data and Law School Outcomes" (2016) 13(2) *Journal of Empirical Legal Studies* p 207.

³⁵ Zimmerman, *supra* n. 16, p 963.

³⁶ D. Dominguez, "Principle 2: Good Practice Encourages Cooperation among Students Seven Principles for Good Practice in Legal Education" (1999) 49 *Journal of Legal Education* p 387.

³⁷ P.C. Holzweiss, S.A. Joyner, M.B. Fuller, S. Henderson and R. Young, "Online graduate students' perceptions of best learning experiences" (2014) 35(3) *Distance Education* p 318.

for the students, as the lecturer and students worked together in a realistic workplace environment.³⁸ There is clearly a need for further research in this area.

Designing for Online collaboration

To ensure the success of online collaboration, a number of factors have been documented in the literature relating to the design of the online environment. For example, Bloxham and Armitage³⁹ highlight the importance of providing students with an understanding of the pedagogical approach underpinning the design of the unit. Randall⁴⁰ indicates that the learning tasks that students will collaborate together on should be well-designed with clear instructions.

Zimmerman⁴¹ indicates that the development of an online learning community can assist with online collaboration, and increasing student interaction. An online learning community does not discount individual student effort, but provides a comfortable environment for students to learn, aiming to increase academic performance and provide student friendships that last well into a legal career.⁴² Collaboration should always involve work and responsibility from the individual student.⁴³

Other factors that can contribute to the success of online collaboration include the layout of the online learning environment⁴⁴ and aligning the use of technology to the collaborative activity.⁴⁵

Context

This study took place in an Australian regional university that offers its Law courses and units both in online and face-to-face format. The University offers three and four year law degrees (with Honours), as well as postgraduate courses, and has strong course aims and learning outcomes regarding student ability to work with others. The collaborative aspect of these degrees requires students to use teamwork to achieve required learning goals, while valuing the contribution and differences of others.⁴⁶ The University has a strong online student presence, as approximately 70% of the students study online, and 30% study face to face.

Given the strong online student cohort, it is important that law units provide collaborative opportunities for students in the online environment to address the unit outcomes and objectives. For the pilot project, the law unit 'Indigenous Australians and the Law' was redesigned to provide a collaborative assessment for students. The study ran over two semesters with different student cohorts. This unit is online only; there was no face-to-face or blended learning components to this unit. This learning approach used technology, both synchronous and asynchronous to deliver unit content, provide student/teacher

³⁸ J. Bainbridge, K. Counsell, F. Grealy, P. Maharg, J. Mills and R. Boyle, "iPads in Legal Learning (iLEGALL): mobile devices in professional legal learning" (2013) 4(1) *European Journal of Law and Technology*, p 8.

³⁹ S. Bloxham and S. Armitage, "What a LUVLE Way to Learn Law" (Pt Routledge) (2003) 17(1) *International Review of Law, Computers and Technology* p 42.

⁴⁰ V.R. Randall, "Increasing Retention and Improving Performance: Practical Advice on Using Cooperative Learning in Law Schools" (1999) 16 *Thomas M. Cooley Law Review* 203.

⁴¹ Zimmerman, *supra* n. 16, p 996.

⁴² Dominguez, *supra* n. 36, p 338.

⁴³ L. Vitale, "Incentive Games and Group Work in the Law School Classroom" (2015) 22 *The Law Teacher* 23.

⁴⁴ A. Nye, "Building an online academic learning community among undergraduate students" (2015) 36(1) *Distance Education* p 117.

⁴⁵ Bloxham and Armitage, *supra* n. 39, p 41.

⁴⁶ University (NAME WITHHELD FOR PEER REVIEW) (4 Years) Course Outcomes (2016) <Website address to be added here> (Accessed: 4 September 2016).

interactions and perform assessment.⁴⁷ The purpose of the redesign was to create a dynamic online learning community, rather than static online content delivery.

Design of unit

The design of the unit was based on modules, involving an intensive reading component, group work component and independent research project. These modules were tied strongly to unit assessment. The unit resources included online lectures, webinar tutorials, discussion forums, and online content including research articles, video links and relevant websites. In the first iteration of the pilot, the unit was taught to third year students and in the next stage of the pilot it was taught to first year students.⁴⁸

The collaborative assessment task for both cohorts involved students working together to produce a document that summarised different Australian Indigenous policy phases, for example, the conciliation era and protection period. This allowed students to collaborate and created potential for social relationships, or 'study buddies' to develop, which could provide support for the student's' learning journey throughout their degree.

Students formed their own groups by week two of the trimester. If they had not formed groups by this date, they were randomly allocated to a group. To enable students to work together well, an online forum was setup for each group. Additionally, a webinar session could be setup for the group if requested. Students were also encouraged to find other technology means that enabled their group to collaborate together, for example, Google Drive, Google Hangout, Skype, Dropbox or Whatsapp.

The unit was also divided into three distinct sections: an intensive content section, groupwork section, and research assignment. Using this approach, the traditional university teaching model of weekly lectures and tutorials was not prominent, although was used for the first year student cohort. Whilst the intensive content section required much research and reading by the students, there were also learning activities for students to complete within their groups to build rapport and trust before embarking on the group work component of assessment. This included answering review or discussion questions together in forums or in a private group study.

This pilot study aimed to explore two key questions in relation to online collaboration within undergraduate legal education:

- What are law students' perspectives on the implementation of online collaboration?
- What are the affordances and inhibitors of online collaboration?

Method

This section will outline how data was gathered and analysed to determine the impact of the unit design and pilot, from the students perspective. To determine the effectiveness of the collaborative assignment students were invited to complete an online survey. Approval to send the survey was provided by the University's ethics committee⁴⁹. The survey featured both open and closed questions, and these were aimed at particular design components of the unit, for example the benefits and recommendations for improvement of the online collaborative component and the intensive reading component. The online survey was analysed using an inductive approach. Themes were identified from the research data by

⁴⁷ Colbran and Gilding, *supra* n. 22, p 202.

⁴⁸ The unit was adapted from a third year unit to a first year unit as adjustments were made to the undergraduate degree program. In the process of moving to the first year, the unit was aligned to the Australian Qualifications Framework (AQF).

⁴⁹ The invitation to complete the survey was sent via email, after the final assessment was due. The survey was not administered in the online learning environment but using an online survey website independent from the University, so that students were aware that their results for the unit were not dependent on completion of the survey. Participants who completed the survey were completely anonymous.

repetition of common terms, and “cutting and sorting”.⁵⁰ This approach put similar comments or quotes together to associate key themes from the research data.

Findings and Discussion

This section will report on the data collected from the open and closed questions in the online survey. In particular it will focus on the students self-report responses about their experiences collaborating online, and the benefits and challenges of online collaboration. 28 students completed the online survey.

Benefits of online collaboration

Within the open ended questions about the online survey, the respondent law students perceived four key benefits of working with their peers in online collaboration to complete the assessment tasks. These benefits included: developing a learning community, enhancing discipline knowledge, learning as a social endeavour, and dispersing workload. Figure 1 presents a summary of the student responses.

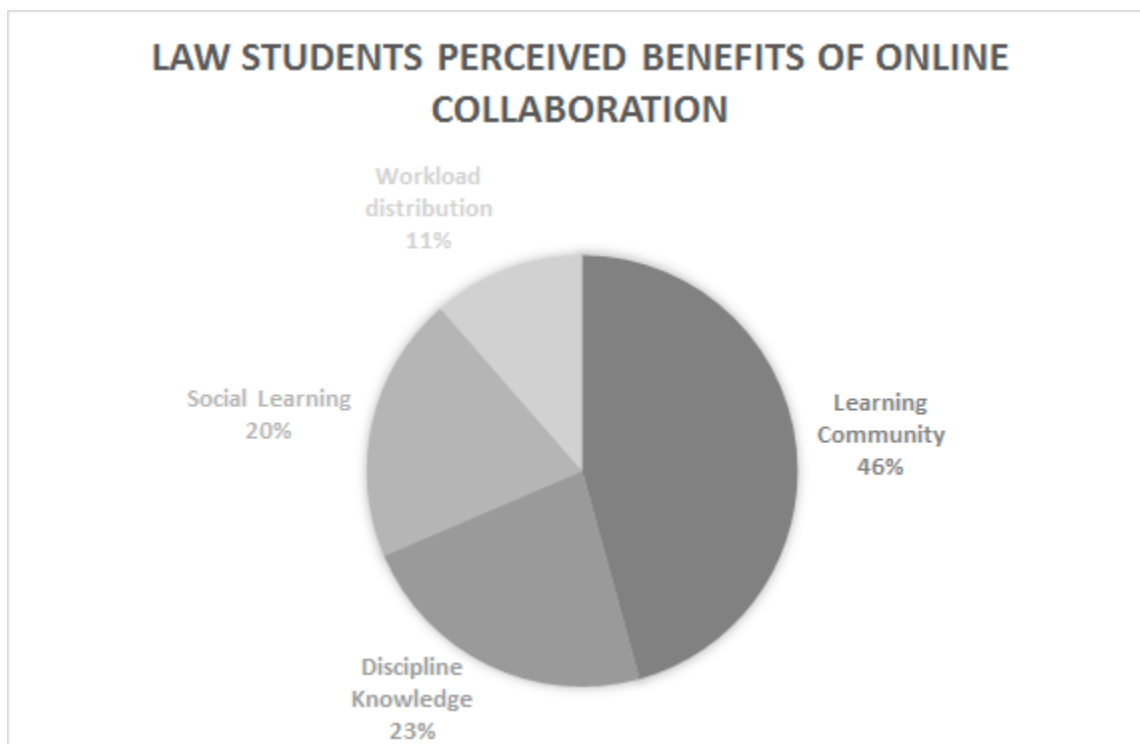


Figure 1: Students' perceived benefits of online collaboration

Learning Community

Firstly, overall the students in this study reported positive experiences when collaborating online with their peers. Student 3 reported *“I loved the group work section. I was so apprehensive going into it and thought I wouldn't be any good or wouldn't be able to contribute too much. But we had a great group who worked really well together. It was wonderful to sound off ideas and to collaborate them into our final submission. It allowed me to focus on researching my question but in working together gain a richer*

⁵⁰ G.W. Ryan and H.R. Bernard, “Techniques to Identify Themes” (2003) 15(1) *Field Methods* 95.

insight into the other areas.” Research conducted by Shirley and Cockburn⁵¹ also found a positive response from law students when they investigated online collaboration within a virtual law placement.

When discussing the affordances of collaboration the students liked working and learning with others, the ability to come to shared viewpoints, and they felt their contributions were valued by in their group. Bench-Capon and Leng⁵² also found similar benefits afforded by collaborating with others. As one participant observed the online collaborative environment provided *“a good opportunity to network with other law students and make use of each other's strengths and weaknesses”*.

91% of the respondents said that they felt part of an active online learning community and that working with others meant that they didn't feel so isolated. Student 1 stated that *“The group project made me feel like part of a team and that my contribution was important”*. They also valued the multiple perspectives that the learning community enabled, as reported by Student 4, *“This was a good way of enforcing what we had learnt and makes students discuss issues that faced Indigenous Australians instead of just reading one person's view”*. Hess⁵³ also noted that collaborative learning in law education *“increases students' willingness to consider diverse perspectives”*. Student 13 confessed that the online collaboration *“encouraged me to participate more fully than I ordinarily would.”*

Discipline Knowledge

Secondly, the students identified that their ability to dig deep into the content was enhanced when working with others. Student 11 declared *“It enabled me to get a good overview of the unit as a whole”*. The concept of improved discipline knowledge was supported by a comment from Student 5 who revealed that *“It felt like groundwork. Like a covering of everything we were learning/had learned in the unit”*. The online collaboration assisted students in developing deeper learning when compared to working independently. Hess⁵⁴ has a similar view stating that collaboration *“promoted positive student attitude toward the subject matter”*.

Social Learning

The third benefit of the online collaborative experience the students identified was learning as a social endeavour. This was related to social factors such as meeting other students and connecting with them for learning and social purposes. Student 12 reported he enjoyed *“meeting and interacting with other students”* whereas Student 1 remarked *“I really enjoyed the group work and being able to connect with other students made me feel more connected to the unit. As an external I do often feel left to my own devices and that no one notices if you contribute or not”*. Some of the students were studying full time and this collaborative tasks provided them with an opportunity to communicate with their peers, in ways that were previously unavailable.

Workload Distribution

Finally, the students perceived that the workload was lighter as the total workload was distributed amongst the team members, several students also commented on the fact that the workload was simplified

⁵¹ M.J. Shirley and T.L. Cockburn, “Enabling authentic collaborative education in an online environment : the QUT Virtual Law Placement.” (Paper presented at the 16th World Conference on Cooperative Education and Work Integrated Learning, Simon Fraser University, Vancouver, Canada) <http://eprints.qut.edu.au/30063/>.

⁵² Bench-Capon and Leng, *supra* n. 28, p 129.

⁵³ Hess, *supra* n. 3, p 94.

⁵⁴ *Ibid.*, p 94.

when working collaboratively. Goode and Caicedo⁵⁵ and Chang and Kang⁵⁶ supported these findings claiming that effective teams have a fair workload distribution which is also related to student satisfaction within collaborative teams.

Challenges of online collaboration

Little research has explored the disadvantages of the use of online collaboration within law education. The participants in this study identified five challenges when reflecting on their online collaborative experience: group stability and commitment, group logistics, assessment logistics, student performance, and student learning preferences. Figure 2 provides a visual representation of these five areas. Interestingly, Camp⁵⁷ alleged that “[c]ollaborations fail often because of a lack of understanding about how people work best to achieve the end goals and not because there is something inherently wrong with the collaboration in and of itself”.

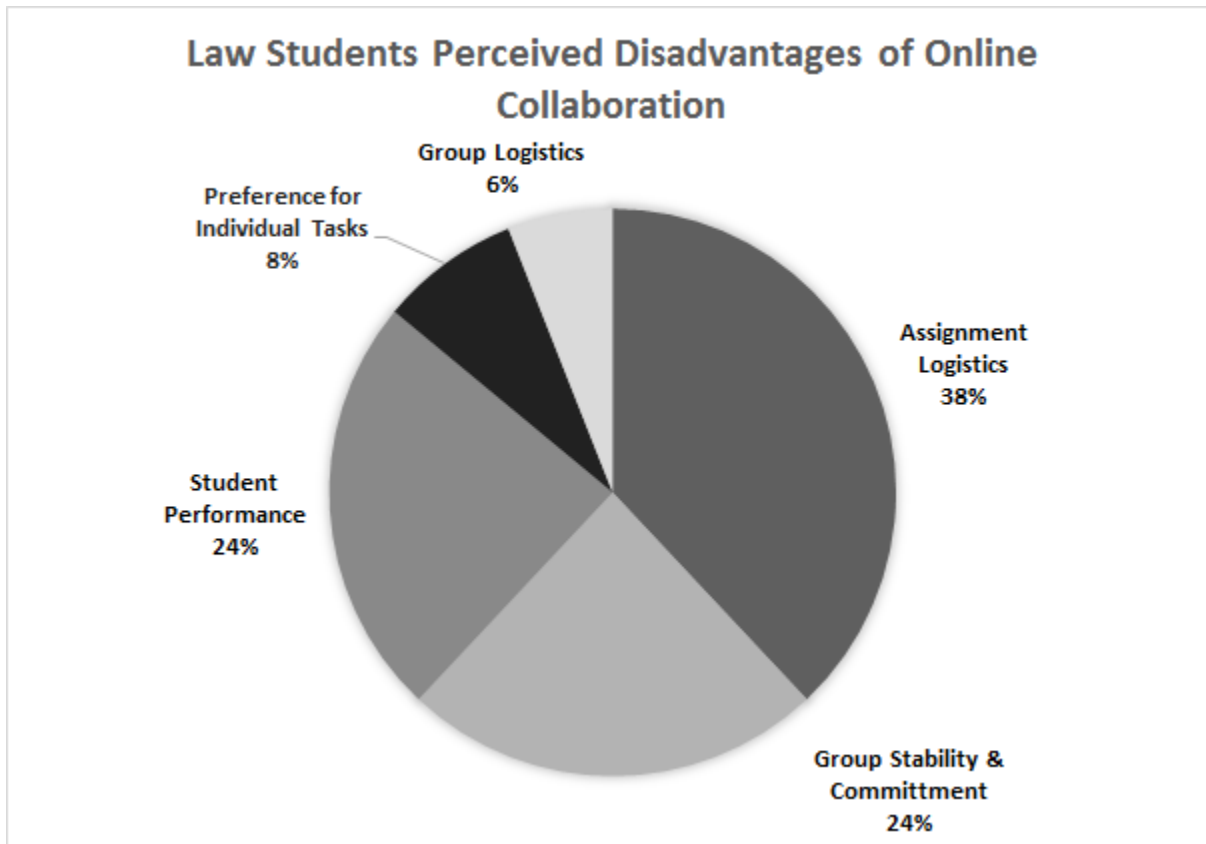


Figure 2: Students’ perceived challenges of online collaboration

⁵⁵ W. Goode and G. Caicedo, “Online Collaboration: Individual Involvement Used to Predict Team Performance” in P. Zaphiris and A. Ioannou (eds), *Learning and Collaboration Technologies. Technology-Rich Environments for Learning and Collaboration: First International Conference, LCT 2014, Held as Part of HCI International 2014, Heraklion, Crete, Greece, June 22-27, 2014, Proceedings, Part II* (Springer International Publishing, 2014) p 414.

⁵⁶ B. Chang and H. Kang, “Challenges facing group work online” (2016) 37(1) *Distance Education* p 75-76.

⁵⁷ A.R. Camp, “Creating Space for Silence in Law School Collaborations” (2015) 65 *Journal of Legal Education* p 899.

Group Stability and Commitment

The first barrier identified by the students was that of group stability and commitment. Because the online collaborative task was completed at the beginning of the semester, students had a number of weeks until census date (before which they could drop the course without any financial or academic penalty). This meant that some groups lost group members when the task was underway. Some groups found that having students dropping out of the unit had a destabilizing effect on their collaborative activities. Student 8 observed “*Until the group was stabilised it was really an individual exercise.*”

The ability to commit time for the collaborative task varied during the task completion period, “*Some members dived into the exercise immediately and then did not contribute much at all*” claimed Student 22. This provided frustration for Student 15 who saw it as “*working with students that didn't pull their weight*” and it was further exacerbated when “*having to wait for other people's input before things could get started*”. In contrast other research has found that “[h]igh functioning teams equitably distributed the work and honoured deadlines, resulting in higher quality outcomes and more harmonious group dynamics”.⁵⁸ If this research is to be accepted the problem is not inherent in the group work itself but rather with the dynamics in particular groups. The task for future studies will be then be to help groups to become high functioning within the online learning environment.

When exploring challenges of online collaboration, Chang and Kang⁵⁹ found that commitment and responsibility are required for effective quality collaboration. With no face-to-face or synchronous communication mandated the lack of immediacy of communication may have contributed to the “*General feeling of uncertainty*” felt by student 27. This uncertainty can be read by some participants as a lack of commitment to the collaborative cause, and is not limited to online collaboration. Moore⁶⁰ suggested that online communication can sometimes be strained and lack immediacy.

Student Performance

The second disadvantage indicated by the law students was that of student performance. This perceived disadvantage may be explained in part by Student 21 who suggested that “*students were not necessarily able to obtain results commensurate with their ability.*” This disillusionment may have occurred because “[I]n law school, there traditionally has been a heavy value on individual work and competition; this emphasis can conflict with the skills and attitudes necessary for successful teamwork”.⁶¹ More than a few researchers have identified this competitive nature of law schools.

Many students have high expectations of themselves and others they work with and this impacts people's perceptions, for example, Student 25 complained of “*only having 2 other people really interested in doing the assignment; having to redo some people's work due to poor writing and plagiarism*”. On the other hand, other research has indicated that “all students work will improve regardless of the nature of the pairings”⁶² and that “collaborative work enhances student learning and academic performance”.⁶³ Student 13 indicated that “*The group contained all of normal team attributes. E.g., High performers and*

⁵⁸ Long and Meglich, *supra* n. 11, p 12.

⁵⁹ Chang and Kang, *supra* n. 56, p 79.

⁶⁰ C. Moore, “The Future of Work: What Google Shows Us About the Present and Future of Online Collaboration” (2016) 60(3) *TechTrends* p 237.

⁶¹ Weinstein *et al.*, *supra* n. 6, p 5.

⁶² Zimmerman, *supra* n. 16, p 1011.

⁶³ Hess, *supra* n. 3, p 94.

low performers. Our group managed to maintain contact with all team members and gain input from all, which in itself is an achievement via electronic networking."

One thing seems certain and that is that law graduates will need to find ways to rise above any competitiveness that encounter in law school in order to meet the new demand for teamwork skills.

Assessment Logistics

The self-report data indicated that assessment logistics was the third challenge. Assessment logistics included things such as extension policy, timing, leadership, setting deadlines etc. Weinstein *et al.*,⁶⁴ suggested that when working with others you need to address issues such as leadership, process, participation, trust, and communication. Some students realised that they needed to address the issues, with Student 23 stating *"I ultimately became the "organiser" of the group"*. Another student observed that *"There were some instances of a couple of students being aggressive and (it appeared that they were) arguing for the sake of arguing which made me not want to participate."* Overcoming these stressful challenges requires uncomfortable conversations.⁶⁵ In negotiating logistics for groupwork assessment in online learning, it is important to discuss strategies for working effectively with others and develop negotiation and conflict resolution skills.

The fourth issue revealed by the students self-reported data was that of student learning preferences. Student 15 claimed that *"Online collaboration is not my style"*. Long and Meglich's⁶⁶ research revealed that *"[s]ome team members judged their remote counterparts harshly because their work styles differed"*. Student 14 revealed that *"I like to work through my studies alone as the time available for my university studies are very limited."* This concept was also affirmed by Student 22 who reinforced *"I would rather prove my skills on my own"*. These comments may have been made by students who *"like to be given space to contemplate and consider ideas alone"*.⁶⁷

Despite these preferences law schools perhaps need to bear in mind that employers will give preference to graduates with collaboration skills and law graduates may find the desire to work alone a preference that proves costly in their efforts to find work.

Group Logistics

The final inhibitor for the online collaboration was that of group logistics. This included the elements of forming groups, especially with different time zones due to the different geographical locations of students, and technological issues. Although students were able to create their own groupings, it was difficult to do so because students didn't necessarily know each other from other courses and they were located in a range of locations.

Students often selected online study because they need to be flexible in their study habits, however there is a *"perceived lack of flexibility as an individual has to fit in with the group's deadlines regardless of what is happening in his or her own life"*.⁶⁸

Some students found it more *"complex as you have to coordinate your own work around others"* because there were *"Issues related to convening times when all the team was available"*. Whereas

⁶⁴ Weinstein *et al.*, *supra* n. 6, p 6.

⁶⁵ *Ibid.*, p 50.

⁶⁶ Long and Meglich, *supra* n. 11, p 12.

⁶⁷ Camp, *supra* n. 54, p 899.

⁶⁸ C. Pilkington and I. Sanders, "An online collaborative document creation exercise in an ODL research project module" (2014) 77 *Computers and Education* p 122.

Student 14 found that the logistics of working with others “*made me pace up my study in order to contribute fairly and engage with other students effectively.*” There was a large degree of difference in the students familiarisation with the different online collaborative spaces each group choose. This impacted on the competency and confidence of their participation within the spaces. Despite the fact that collaboration is a skill required by the legal profession, Weinstein *et al.*,⁶⁹ reminded us “that not every team is successful; often the experience is trying, if not arduous.” They also maintained that issues related to collaboration “can be prevented or remedied with a basic understanding of the stages of teamwork process and the tools necessary to repair damage to the collaborative effort”.⁷⁰

Recommendations

This paper reported on a pilot study which leveraged the capabilities of the internet to support online collaboration as a formal part of legal education in an undergraduate unit. Drawing upon the insights gained from this pilot, as well as other research in this field it is suggested that when designing for online collaboration within law education, five factors should be considered.

Firstly, practical implications should be considered early in the design stage when collaboration is conducted for learning purposes. Learning materials and course design should include scaffolding for students who have little experience using online collaboration to learn law. The design of the learning activities, materials, and assessments should respond to the known inhibitors or challenges of online collaboration. For example, providing resources or strategies to assist students as they move through the barriers, such as, upfront knowledge that most groups go through Tuckman’s⁷¹ storming stage, where there is intra group conflict, and this a normal stage of group development.

Secondly, the student experiences within online collaboration would be improved if they first experience learning activities that enabled the groups to work together to build rapport, trust, and understand how each other best works. Long and Meglich,⁷² recommended that to best “prepare students for a virtual work environment, educators must provide classroom-related opportunities to build students’ virtual collaboration skills”.

Thirdly, design for the explicit teaching of skills for online collaboration not just for learning but also for working within the legal profession careers. This would model the expectations required in the workplace and provide students with skills and processes that they can take use beyond their degree. Students need the opportunity to develop strategies and skills to manage expectations, set guidelines, and communicate effectively in ways that work for all group members.⁷³

Fourthly, online collaboration should include a variety of tasks over the course of the degree, such as group presentations, client interviewing, and other specific group outputs. Bainbridge *et al.*,⁷⁴ recognised that peer-support and collaboration needed to be consciously developed. Students learn in different ways and across the program they require a variety of opportunities to build knowledge and skills and demonstrate effective online collaboration.⁷⁵

⁶⁹ Weinstein *et al.*, *supra* n. 6, p 4.

⁷⁰ Weinstein *et al.*, *supra* n. 6, p 6.

⁷¹ B.W. Tuckman, “Developmental sequence in small groups” (Pt American Psychological Association) (1965) 63(6) *Psychological Bulletin* p 385.

⁷² Long and Meglich, *supra* no. 11, p 6.

⁷³ *Ibid.*, p 11-13.

⁷⁴ Bainbridge *et al.*, *supra* n. 38.

⁷⁵ Hess, *supra* n. 3, p 85.

Finally, instructors should pay attention to how students will collaborate together and the technology that they can use to afford the online collaboration. Within this project the instructor established online forums within the learning management system for each group, but she also enabled groups to work together in a technological platform that worked for them.

There are a number of limitations for this study which impacts on its ability to be generalised. Firstly, it was a pilot study with small number of participants and there was no triangulation of the data. Secondly, the data was collected from one regional university and may not be representative of all law students in other universities. Finally, the online survey used self-report data which has a number of limitations including response bias, possible variety in understanding or interpretation of the survey questions or rating scales, and the survey should be tested for reliability and validity. This pilot was not meant to be generalisable, rather it was intended contribute to the ongoing discussion about reforming legal education.

Further research in the law discipline related to online collaboration could include investigating the level of cognitive engagement during their online collaborative discussions; looking at collaboration across more universities to get a broader perspective and varied data pool; exploring collaboration as a contemporary signature pedagogy for legal education; and reviewing collaborative experiences across a program as a way to build workplace readiness for online collaboration with a range of stakeholders.

Conclusion

This paper reported on a pilot study as first step to explore online collaboration within legal education to assist students to develop collaborative skills and abilities required for their work within the legal profession. In addition the paper described student perceptions of the affordances and inhibitors of online collaboration within the discipline and makes some recommendations for law instructors when considering designing online collaboration. The students' survey responses indicated that, overall, the majority were satisfied with their online collaborative experience.

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