

Flipped Learning: Promoting Collaboration, Cooperation, and Civility

By Jennifer Rosa

Recently, some scholars and practitioners have argued that the practice of law is overdue for significant reform. The calls for innovation in legal education are particularly heated, prompted in part by the 2007 Carnegie Report's challenge to law schools to bridge the gap between theory and practice. To help span that divide, the report highlighted the importance of teaching law students the skills necessary to be successful practitioners, including interpersonal skills like collaboration, cooperation, and civility.

Today's practitioners agree. A 2014 Foundations for Practice survey of 24,000 lawyers revealed that 73 percent believed the ability to work cooperatively and collaboratively as part of a team was necessary in the short term for new lawyers.¹ More importantly, 91.9 percent of respondents thought the most critical foundation for a new attorney's success was the ability to treat others with courtesy and respect.² Based on results like these, law school would seem to be the ideal place to model the collaboration, cooperation, and civility we seek in the next generation of attorneys. Unfortunately, however, the competitive environment in law schools is not always conducive to developing interpersonal communication skills like collaboration.

One way to alleviate this sometimes-overwhelming competitive pressure is to implement teaching methodologies that accommodate twenty-first-century learners. Since the 1870s, legal education has employed Langdell's Socratic method to develop critical thinking skills and the ability to think like a lawyer. In a traditional law class, a student's homework typically consisted of reading cases from a casebook and being prepared to discuss them in class. Professors used class time to engage in dialogue with one student at a time, while everyone else anxiously awaited his or her turn to be grilled on the nuances or extent of the rules developed from the cases.

In contrast, envision an alternate way of both preparing for and participating in class. A student sits at home, still reading cases, but also watching a short podcast the professor created to introduce substantive points about the elements of a contract or other information needed to understand the concept. Class time is spent in small groups, and all students are engaged simultaneously. The students review an actual contract and then discuss and dissect it, determining if all the requirements are present. Then, each group presents its findings and the professor facilitates the debriefing. This method, first developed in high schools and now making its way into law schools, is known as *flipped learning*.

During my 13 years of teaching legal writing, I have strived to accommodate my students' diverse learning styles to engage all of them. I wanted to maximize our time in class by *applying* writing concepts rather than *discussing* them, so I explored different teaching methodologies to facilitate deeper learning.³ I wanted students to be more engaged and responsible for their own learning. In short, I wanted to strengthen each class, reach each student, and allow students the opportunity to work together and collaborate. The Latin phrase *docendo discimus* means that "by teaching we learn." I wanted to discover a teaching method to allow students to benefit from each other's ideas and knowledge, and contribute to our learning community. Flipped learning provided the answer.⁴

What is flipped learning and how does it work?

Flipped learning is student-centered learning in which the teacher is no longer the "sage on the stage," but rather the "guide on the side."⁵ Unlike the traditional teacher-centered classroom, a flipped classroom is student-centered. Most direct instruction is delivered outside class, often using podcasts or videos the professor produces. Class time is spent on hands-on learning, collaborating with peers through group activities

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and tasks. Many legal skills classes and clinics already incorporate group activities, but flipped learning seeks to completely eliminate classroom lectures, and instead focuses on using precious class time to apply knowledge and skills to achieve the learning goals for the lesson.

Experienced educators incorporate flipped learning in many ways. In my legal writing class, students prepare for class by watching podcasts I create addressing substantive information needed to complete the group task for the day. In class, students apply the writing concepts introduced in the podcasts. Class time consists of carefully constructed exercises with a learning goal in mind that emphasizes a concept addressed in the podcast. I walk around the classroom listening to each group's conversations, assessing whether students grasp the concepts. I let students struggle with the task, but am available to redirect, if necessary.

As an example, the goal in one of my flipped legal writing lessons was learning how to make an analogical argument. Before class, students completed readings and watched a podcast I created describing the elements of a legal argument, including the assertion, the specific client facts supporting the assertion, the direct factual comparison of a precedent case to our case, and a description of what the comparison means for our issue. In class, each group focused on whether a hypothetical argument contained all the necessary elements. I wanted students to take away two main lessons from this activity. First, when making a factual analogy, writers should not fall back into a full explanation of the precedent case. The analogy should be specific, concise, and direct so the reader does not have to do the work of determining the similarity or distinction. Second, writers need to explain to the reader the significance of the comparison and not end the argument abruptly, leaving the reader to figure it out.

During the exercise, I overheard groups talking about how short and direct an analogy to a precedent case can be. Students were surprised to recognize that in their own writing, they had failed to spell out the significance of a case comparison, and they remarked how confusing that can

be for the reader. Students also noticed the importance of transition words to guide the reader through the logic in the argument. With a carefully constructed podcast and hands-on class activity, students recognized these teaching points for themselves, and were more prepared to draft their own argument for the next class.

Is flipped learning effective?

Student response to my flipped classroom has been consistently positive. Students generally enjoy the hands-on learning and applying the skills they learned in the podcasts. They appreciate the ability to replay the podcasts throughout the semester to reinforce their knowledge as they draft their memos. Classes are more engaging; students talk to and teach each other, bringing forth ideas and criticisms. Introverts find the class time especially helpful in overcoming anxiety since their contributions are made in small group discussions.

To date, there is limited research on the effects of flipped learning in law school. Most studies involve high schools, where flipped learning began. This research shows significant positive effects. The research on flipped learning for all grades shows that in 2014, 90 percent of teachers using flipped learning experienced a positive change in student engagement and attitude, and 71 percent noted improved grades.⁶ My students' anecdotal comments and my observations in my legal writing class are consistent with this data.

What contributions can flipped learning make to the legal profession?

The flipped learning method helps prepare students to practice in myriad ways. Students develop collaboration and cooperation skills by working in different small groups each week. Sometimes, of course, working in teams can be difficult because of personality clashes, particularly if a group member is not on task. Yet this reflects the reality of legal practice when working with colleagues and clients. In

addition, the group learning environment also facilitates interpersonal communication while students build relationships and take responsibility for their learning. By working together, students figure out how to find common ground, listen to each other's ideas, communicate clearly, and become accountable to the team. They learn to collaborate, cooperate, and act civilly. What could be a better lesson for students, the future of our profession? ■



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ENDNOTES

1. Institute for the Advancement of the American Legal System, *Foundations for Practice: The Whole Lawyer and the Character Quotient* (July 2016), p 20 <http://iaals.du.edu/sites/default/files/reports/foundations_for_practice_whole_lawyer_character_quotient.pdf> [accessed September 17, 2017].
2. *Id.* at 9.
3. Thanks to a fellowship with the MSU Adams Academy for Instructional Excellence and Innovation and a grant from the Association of Legal Writing Directors, both of which allowed me to develop a curriculum for my flipped legal writing classroom.
4. Many resources are available about flipped learning. A good introductory book is Bergmann & Sams, *Flip Your Classroom: Reach Every Student in Every Class Every Day* (International Society for Technology in Education, 2012).
5. See King, *From Sage on the Stage to Guide on the Side*, 41 Coll Teaching 30 (Winter 1993).
6. Sophia, *Growth in Flipped Learning* <<https://www.sophia.org/flipped-classroom-survey>> [accessed September 17, 2017].