

2024

Teamwork Makes a Dream Work: Collaboration in the Legal Writing

Brenda D. Gibson

Wake Forest University School of Law, gibsonb@wfu.edu

Follow this and additional works at: <https://scholarship.law.slu.edu/lj>



Part of the [Law Commons](#)

Recommended Citation

Brenda D. Gibson, *Teamwork Makes a Dream Work: Collaboration in the Legal Writing*, 68 St. Louis U. L.J. (2024).

Available at: <https://scholarship.law.slu.edu/lj/vol68/iss3/5>

This Article is brought to you for free and open access by Scholarship Commons. It has been accepted for inclusion in Saint Louis University Law Journal by an authorized editor of Scholarship Commons. For more information, please contact [Susie Lee](#).

TEAMWORK MAKES A DREAM WORK: COLLABORATION IN THE LEGAL WRITING CLASSROOM

BRENDA D. GIBSON*

ABSTRACT

This essay provides insights into the benefits (and some of the challenges) encountered when two relatively seasoned legal writing professors decided to collaborate in their first-year legal writing courses. The essay, in self-deprecating candor, describes how my colleague and I leveraged our individual strengths to improve our legal writing students' learning experience. Along the way, a friendship, born of deep respect, was formed.

Collaboration defined simply is no more than "a process of working with others to accomplish something."¹ To that end, collaborative teaching, i.e., team teaching is typically two or more faculty members working together to develop instructional materials. Collaborative teaching is far from new and seems to have gained traction as secondary and post-secondary educators are realizing the benefits of diverse voices in classroom instruction.

While not intended to be an exhaustive study of the topic, the essay does provide some important context for utilization of collaboration. Specifically, the first section provides background information about collaboration—what it is, its various types and functions, and some of its benefits and challenges. The second section discusses the specific model that my colleague and I used and why this particular collaboration model works for us. Finally, the article concludes extolling the utility of collaboration as a multi-faceted tool for new and more seasoned faculty members—a tool that will not only help to educate our students but will also help to build community with those students and amongst colleagues.

* Brenda D. Gibson is an Associate Professor of Legal Analysis, Writing and Research at Wake Forest University School of Law. Many thanks to my Law Library Liaison, Lance Burke, who always finds the most salient sources on whatever topic with which I need help, and my Research Assistant Simon Daniel, for the last-minute, final readthrough of this essay. Finally, huge hugs to my husband and son who gave me the "space" to write this essay despite my other professional and family commitments.

1. Douglas C. Orzolek, *Collaborative Teaching: Lessons Learned*, 66 COLL. TEACHING 124, 124-29 (2018).

No task is too great, no accomplishment too grand, no dream too far-fetched for a team. It takes teamwork to make the dream work.

—JOHN MAXWELL

INTRODUCTION

Much has been written about collaborative teaching—both good and bad (or challenging to soften the language a bit). Fortunately, this essay contains a lot of the good and just enough of the challenging to be realistic. Perhaps it is the unique nature of the legal writing academy that makes collaboration so natural and beneficial. Historically, legal writing professors have occupied lower-paid, non-tenured positions in the rather hierarchical legal academy.² Accordingly, legal writing professors have long sought the wise counsel of their colleagues to ensure the success of their students and improve the status of the discipline writ large.

This essay is a follow-up to a talk that a colleague and I gave at a recent regional conference about the collaborative success (and a few hiccups) that we have enjoyed while teaching legal writing at Wake Forest University School of Law.³ During this talk, we discussed the reasons why, even in a full-time, tenure-track legal writing program, collaboration is beneficial.⁴ Similarly, this essay will begin by briefly explaining what collaboration is and why it works for me (and may work well for you) before moving to the specific things my colleague and I collaborate on (and why) and some anecdotal incidents that may give you a chuckle.

2. See Kristin K. Tiscione & Amy Vorenberg, *Podia and Pens: Dismantling the Two-Track System for Legal Research and Writing Faculty*, 31 COLUM. J. GENDER & L. 47, 55-57 (2015) (noting there was very little actual instruction on legal analysis or the writing process prior to the 1980s); Kathleen Elliott Vinson, *Improving Legal Writing: A Life-long Learning Process and Continuing Professional Challenge*, 21 TOURO L. REV. 507, 526-28 (2005); see also AMERICAN BAR ASSOCIATION, LEGAL WRITING SOURCEBOOK 35-39 (J. Lynn Entrekin & Mary B. Trevor eds., 3d ed. 2020) (ebook) (explaining that prior to the 1980s, legal writing instruction most often consisted of a class during which a professor assigned a paper (memo or brief), meetings with student teaching assistants (or recent law graduates) over the course of weeks, and submission of the final product on a previously specified date. This practice, however, has slowly changed as the populations of our classrooms (and the professions), the expectations of society, and the ABA standards for law school curricula have changed).

3. Hat tip to my colleague and section mate, Heather Summey Gram, who is the yin to my yang in Section 3 at Wake Forest University School of Law. We gave a talk about our collaboration at the 2023 Carolinas Legal Research and Writing Colloquium this past spring.

4. See AMERICAN BAR ASSOCIATION, *supra* note 2, at 281-90 (noting collaboration is generally utilized in adjunct-based (all part-time professors) or hybrid (some full-time and some part-time professors) programs to ensure consistency in instruction).

I. COLLABORATIVE TEACHING: WHAT IS IT REALLY?

At its core, collaboration is nothing more than “a process of working with others to accomplish something.”⁵ In fact, “[t]eam teaching is typically defined as two or more faculty members developing and implementing instructional materials.”⁶ Popularized in the 1960s and ‘70s, collaborative teaching (aka team teaching) has been used intermittently in secondary and higher education.⁷

Used often in education courses in undergraduate and graduate programs, collaborative teaching often involves partners who teach the same subject.⁸ However, in the past two decades, as a result of general education reforms recognizing the need for diverse approaches to education, collaborative teaching involving different subjects (aka interdisciplinary collaborations) increasingly has been implemented and encouraged.⁹ Admittedly, this is not true in all settings as some institutions or departments within those institutions lack the infrastructure to support faculty who wish to take part in such interdisciplinary/departmental collaborations.¹⁰

Specifically, collaboration in legal writing came to the fore front when legal writing evolved beyond being the first semester, one-off summative assessment (usually a memo or brief), pass/fail course to become a standalone program, staffed by a director/coordinator with adjuncts and a full semester (or year) first-year curriculum.¹¹ I, and many others like me, were a part of an adjunct-based

5. Douglas C. Orzolek, *Collaborative Teaching: Lessons Learned*, 66 COLL. TEACHING 124, 124-29 (2018).

6. Lindsey M. Higgins & Kerry K. Litzenberg, *Transferring Experience Through Team Teaching: The Chance of a Lifetime*, 63 COLL. TEACHING 105, 105 (2015).

7. *Id.* (noting that “[t]eam teaching in higher education was popularized in the 1960s and 1970s, but because of challenges associated with it, it has been used to a relatively limited extent”); see Marilyn M. Helms, John M. Alvis, & Marilyn Willis, *Planning and Implementing Shared Teaching: An MBA Team-Teaching Case Study*, 81 J. EDUC. BUS. 29, 29-30 (2005) (referencing team teaching in business school); Linda Bakken, Frances L. Clark, & Johnnie Thompson, *Collaborative Teaching: Many Joys, Some Surprises, and a Few Worms*, 46 COLL. TEACHING 154, 154 (2010) (discussing team teaching in undergraduate classroom).

8. Bakken et al., *supra* note 7, at 154-57.

9. See Elizabeth A. McDaniel & Guy C. Colarulli, *Collaborative Teaching in the Face of Productivity Concerns: The Dispersed Team Model*, 22 INNOVATIVE HIGHER EDUC. 19, 19-20, 23-24 (1997).

10. See Ann I. Nevin, Jacqueline S. Thousand, & Richard A. Villa, *Collaborative Teaching for Teacher Educators: What Does the Research Say?*, 25 TEACHING & TCHR. EDUC. 569, 571 (2009) (edited).

11. See AMERICAN BAR ASSOCIATION, *supra* note 2, at 32-35, 254-55. Earlier models often included upper-level law students, teaching assistants (TAs), who were hired to “teach” or assist the professor/student with the course. This same model is often seen in other undergraduate and graduate programs. Grischa Liebel, Håkan Burden, & Rogardt Heldal, *For Free: Continuity and Change by Team Teaching*, 22 TEACHING HIGHER EDUC. 62, 62 (2017). Some modicum of collaboration is necessary for the use of TAs, or student fellows, but this article discusses collaboration among two professors.

program until that program evolved into hybrid or full-time programs.¹² As a former director of an adjunct-based (and later, a hybrid) legal writing program, I am well-versed on the utility and benefits of collaborative teaching.

The cost/benefit analysis for collaborative teaching is relatively easy. For the professor, there is a certain loss of autonomy: they are required “to be responsible to each other for planning and teaching whereas previously they planned on their own time and taught in their own way.” And for students, sometimes they report confusion in interdisciplinary collaborations and express frustration with “twice the work” for one class.¹³ However, collaborative teaching also offers students multiple explanations to complex concepts, which improves teacher development and leads to more effective learning for a diverse population of students with multiple learning styles.¹⁴

A. Collaboration Types & Their Functionality

Importantly, there are various types or forms of collaboration, and they are not all created equally.¹⁵ First, there is the interactive approach to collaborative teaching, which is characterized by two (or more) professors teaching the same class (in the same classroom) simultaneously.¹⁶ Experts consider this model to be the more traditional model of team teaching, with all (if there are more than two) collaborating professors involved “commenting on most or all of the scheduled discussion topics, with lively interactive dialogue and debate.”¹⁷ Second, there is the participant-observer approach, which requires all (if there are more than two) collaborating professors “to be present for all classes; however, one professor presents independently with little or no dialogue from the observer partner[s] (the professors alternate the observer and teacher roles).”¹⁸ This approach is not as interactive as the first approach in that “[a]lternate views are not actively given but are available if students ask questions or if the observer professor offers a viewpoint.”¹⁹ Third is the rational approach, which is the least interactive for collaborating faculty and their students. Under this model, “the individual professors teach classes separately

12. Adjunct-based programs generally consisted of a full-time director and any number of part-time or adjunct faculty. AMERICAN BAR ASSOCIATION, *supra* note 2, at 280-81, 292 (noting there are generally two types of hybrid programs: (1) “[t]he first type likely requires a director and uses a combination of full-time and part-time or adjunct faculty”; and (2) “[t]he second type, which may or may not require a director or coordinator, uses a combination of full-time faculty who are on, or who become eligible for, different long-term contracts”).

13. Helms et al., *supra* note 7, at 31.

14. Liebel et al., *supra* note 11, at 62.

15. The nomenclature used here may slightly differ in other sources, but the manner in which they operate are basically the same.

16. Helms et al., *supra* note 7, at 30.

17. *Id.*

18. *Id.*

19. *Id.*

and will attend class only when teaching their specific areas of the course.”²⁰ The rational approach requires a lesser time investment for participating faculty, but it often requires that a lead professor or coordinator be identified “to develop the syllabus, schedule the team’s rotation, and manage testing, grading, and evaluations.”²¹

It has been noted that “[a]cross the range of collaborative models,” which requires a varying degree of faculty engagement with their colleagues, there is necessarily some degree of conflict.²² This anticipated conflict amongst collaborating colleagues “requires compromise, sharing of power and responsibility, exposure to ideas and teaching styles of colleagues, and loss of autonomy for faculty.”²³ Unsurprisingly, the more loosely integrated collaborative models, such as the rational approach described above, require the least amount of compromise and loss of autonomy for faculty.²⁴

In fact, I posit that this is the very reason that the rational approach is most often used where collaborative teaching is used inter- or intra- departmentally to tie curricula together.²⁵ Notably, I previously used a rational approach when I directed an adjunct-based (and later hybrid) legal writing program. While that model requires less of the faculty involved, indeed, it can be quite a heavy lift for the director/administrator tasked with designing the curriculum.

B. Benefits of Collaborative Teaching Outweigh the Challenges

It has been noted that the most effective collaboration “takes time, especially in the beginning, and requires respect, hard work, negotiating skills, punctuality, tactfulness, and good communication.”²⁶ There will need to be pre-planning meetings to discuss the materials to be used, and syllabi and assessments will need to be drafted. Also, there may be power struggles and, depending on the nature of the collaboration, a lack of information about the other’s specialty.²⁷ However, the benefits are many and far outweigh the challenges. Although faculty “give up some of their autonomy to plan a course with a colleague” and may be “exposing themselves and their teaching to their colleagues and engaging in experimentation” while team teaching, the potential for growth and

20. *Id.*

21. *Id.*

22. McDaniel & Colarulli, *supra* note 9, at 27.

23. *Id.*

24. *Id.*

25. *See id.* at 22 (noting that more loosely integrated models are designed to bring students together for common academic experiences, with some of them attempting to “foster coherence and integrative thinking through seminars or peer advising outside courses”).

26. *Id.* at 28.

27. *See* Helms et al., *supra* note 67 at 32 (discussing the potential problem of race, gender and other diversity issues and mentioning that team teaching with people from different races or cultures (or of different genders) may present challenges as the students’ implicit biases come into play).

enhancement in the quality of their teaching cannot be underestimated.²⁸ Importantly, these collaborations often create an opportunity for inter- or intra-disciplinary (or not) scholarship.²⁹ Experts note that when faculty begin to learn about other complimentary areas of study through their discussions about their class plans, the possibility of cross-disciplinary research and enhanced publication opportunities often presents itself.³⁰

Students also benefit. In a collaborative teaching model, “[t]he combination of varied expertise and viewpoints can produce a synergy in the classroom that is not possible when only one professor is present,” thereby making the students (and professors) better critical thinkers.³¹ The teamwork and communication modeled by the collaborating professors also show students how to collaborate when they begin their professional lives.³² Further, the multiple teaching styles that are shown in a team taught course will also serve the students’ interests as student populations are becoming more racially, culturally, and neuro diverse.³³ While data on the “efficacy of team teaching is lean at the postsecondary level,” there are a few studies that report “increases in student interest in course material” and “higher student satisfaction in team-taught courses.”³⁴ Significantly, studies “found that minority and female students responded particularly well in cooperative learning formats.”³⁵

II. OUR COLLABORATION MODEL & WHY IT WORKS

Wake Forest University’s Legal Writing Program is a full-time, tenure track program with a phenomenal Director, Laura P. Graham. My colleagues are experienced, very kind, and as collaborative as you need them to be, meaning that if you want (or need, as was my case) assistance with any part of class preparation or instruction, they are quite willing to help you. But collaboration is not generally required in full-time programs,³⁶ nor is it required at Wake Law. It was, however, instantly appealing to me. First, I had used the collaborative teaching approach at my former institution. Also, while I was a fifteen-year veteran of the legal writing academy, I was new to Wake Law and to my tenure

28. McDaniel & Colarulli, *supra* note 9, at 28; *see also* Orzolek, *supra* note 5, at 128.

29. Helms et al., *supra* note 7, at 31.

30. *Id.*

31. *Id.* at 30.

32. *Id.*

33. *Id.* at 32; *see also* Nevin et al., *supra* note 10, at 569-70 (discussing the benefits of collaboration as diversity of all kinds increases in the classroom).

34. McDaniel & Colarulli, *supra* note 9, at 33 (“Anecdotal feedback about the power of collaborative teaching and learning is more common.”).

35. *Id.* (“Although some students may find it unsettling to be confronted with alternative interpretations, the majority appreciate this more realistic view of . . . discourse.”) (quoting D. L. Lindauer, *A New Approach to Team Teaching*, 4 J. ECON. EDUC. 71, 72 (1990)).

36. *See* AMERICAN BAR ASSOCIATION, *supra* note 2, at 259-60.

track position that required that I produce scholarship to keep my job. I had hoped that the collaboration with my legal writing colleague, Heather Gram, would allow me to gain greater insight into teaching at Wake Law.³⁷ In the end, I gained that and much more: a lifelong friend.

The collaboration between Heather and I developed relatively organically: she and I were placed in the same section to teach the first-year Legal, Analysis, Writing, and Research courses (LAWR I and II) at Wake Law.³⁸ For context . . . I arrived at Wake Law during the Covid-19 pandemic. Due to the pandemic, Heather and I were often the only professors in the building when we taught our classes, which were at the same time in classrooms located adjacent to each other. On most days, we would meet after class, walk back to our offices together and discuss how class went, and just be happy to see another human. We formed a bond.

My first semester at Wake Law, Heather and I coordinated our due dates and used a couple of the same ungraded assignments, but I'm not sure that we knew that we were engaged in collaborative teaching of any sort. The second semester, Heather asked me about coordinating classes to do an arbitration/mediation exercise, which required that our classes approach our final brief problem and oral arguments as opposing counsel. I was immediately excited at the prospect of introducing such a meaningful active learning exercise into the class and quickly said yes.³⁹ Without knowing it, we had the beginnings of a great collaboration.

The subsequent year, Heather and I worked a bit more collaboratively on our syllabi—agreeing to similar due dates, as well as using a couple of the same formative assessments. Second semester, we again agreed to use most, if not all, of the same formative assignments leading up to the trial brief, which we all used as 1L LAWR professors. We've been locked at the hip since.

While our collaboration model looks a lot like the rational approach in that we each are free to teach independently whatever and however we wish in our individual classrooms within the parameters of the LAWR Program's Learning Objectives, our model is a bit more integrated than the true rational approach. Unlike the rational approach, in which an administrator constructs the course syllabus, assignments, and class lectures, we both are involved in crafting our

37. Higgins & Litzenberg, *supra* note 6, at 110. Some collaboration literature speaks about the benefit of collaboration in terms of transferring knowledge to junior faculty members, which was a great benefit for me.

38. At Wake Law, 1Ls are divided into four large sections and those large sections are split into two smaller sections for LAWR I and II purposes. Delightfully, Heather and I have team-taught in the same section since I arrived at Wake Law in fall 2020.

39. Note that Wake Law's second semester LAWR II course requires that all 1Ls prepare a trial brief as their summative assessment, and all sections use the same problem, as the 1L Moot Court tryouts are tied to this problem.

individual syllabi and are very intentional to integrate the formative exercises used in our sections.

For example, all first year LAWR professors teach during Foundations Week, which is the first week (or orientation) for our entering 1Ls. Beginning with a joint lunch meeting with our section's Legal Research Professor and all our students, Heather and I now closely coordinate this first week of instruction. During that week (and thereafter), we also collaborate on our course content—our assignment (ungraded and graded) due dates are coordinated,⁴⁰ the type and order of our assignments are generally the same, and we often use the same problem for at least one graded assessment during each semester.⁴¹ We check in before and/or after class during most weeks of the semester to discuss how things are going. We are especially prolific during grading, texting funny memes and trading anecdotal “war” stories as we move through our papers. We communicate with, and support, each other, which has been acknowledged by the experts as being important to successful collaborations.⁴²

In terms of benefits and challenges, our collaboration has definitely improved my teaching. First, Heather's assistance was integral to my acclimation during a difficult time.⁴³ She helped me to integrate my TAs into my teaching. She talked me through less than stellar student evaluations. Heather is much more laid back, and she helped me to be a bit more relaxed about the highs and lows of legal writing instruction. In fact, we encouraged each other during those long Covid-19 months when we were teaching mask-to-mask in an almost vacant building and only saw the rest of our colleagues online. Our students also benefit from the collaboration in that they are able to observe the partnership and oftentimes commiserate together when they don't understand something that was said in class.⁴⁴ I think our students get a kick out of watching us together during our joint classes—which we coincidentally plan to do more of this year.

Each year, our collaboration gets better as we have additional conversations about more effectively integrating our two sections. While we are two different

40. After our first year during which we taught on the same days, Heather and I now teach on different days. Hence, sometimes our assignment due dates cannot be exactly the same.

41. At Wake Law, during the second semester LAWR II course, all professors use the same final brief problem.

42. See Orzolek, *supra* note 5, at 128 (discussing the importance of flexibility and communication in collaborative teaching).

43. My move to Wake Law brought not only professional change, but personal change as well. After caring for my 93-year-old mother in my home for ten years, she passed away just before I began working at Wake Forest University. Additionally, the move to Wake also meant that I would be moving to a new city: Winston-Salem, North Carolina.

44. Heather and I share many chuckles when we overhear our students' conversations misinterpreting something that we said. We know each other well enough that we know exactly what the other actually said or meant.

people of different races with different teaching styles,⁴⁵ that has not been a challenge for us because we genuinely respect and like each other for those differences. There are no power struggles between us because we each maintain autonomy to integrate our sections as much or as little as we want. And neither is intimidated by the other's expertise in a particular subject area. Instead, we are relieved when the other can become the expert in that area and share that expertise with the other.

CONCLUSION

Coming together is a beginning. Keeping together is progress. Working together is success.

—HENRY FORD

While collaboration is not necessary in full-time legal writing programs, it definitely has its benefits. For the new/er (to the profession or to a particular institution) professor, this is a godsend. A collaboration with the right person can help a more junior professor with their professional credibility, as well as help with teaching difficult subjects (or concepts) and difficult students. For the more senior professor, these collaborations present an opportunity to pour their wisdom and expertise into their more junior colleagues while honing their leadership skills, and help them to appreciate novel pedagogical ideas of their collaborating junior colleague, which may rekindle the more senior professor's intellectual curiosity. Additionally, collaboration should not be overlooked as a mechanism to build community with colleagues and students, which is yet another way to foster diversity, equity, and inclusion in our teaching spaces. While not without its challenges, collaborative teaching has paved the way to success for me at Wake Law.

45. I was an appellate law clerk and staff attorney before entering academia. Heather was an entertainment lawyer, having worked on the Oprah Winfrey Show before entering the academy. I love the Bluebook; she does not! She loves contracts; I do not! These things, among many, affect our teaching styles and how we show up in the classroom. These things also make our collaboration the success that it is.

