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From Fenway Park to the Mall of America: A Multi-Collaborative Approach to Teaching and Learning

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From Fenway Park to the Mall of America: A Multi-Collaborative Approach to Teaching and Learning

Cover Page Footnote

The authors thank the Consortium for Innovative Legal Education for providing the funding to support the classes described in this essay. The authors would also like to thank Grace Roessler for her research assistance, and Louis Schulze and Elizabeth Bloom for their helpful comments.

FROM FENWAY PARK TO THE MALL OF AMERICA: A MULTI-COLLABORATIVE APPROACH TO TEACHING AND LEARNING

Micah L. Berman; Michael Freiberg; and Julie Ralston Aoki¹

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I. INTRODUCTION

In previous years, we have taught Public Health Law at our respective institutions in Massachusetts (New England Law | Boston) and Minnesota (William Mitchell College of Law) as traditional upper-level seminars. During the 2011 spring semester, however, we collaborated to design a unique educational experience that took students outside of the classroom and connected them with public health professionals in their communities and with law students over 1,000 miles away.

Our plan was to involve our Public Health Law students in helping to transfer knowledge about innovative public health policies from Minnesota to Massachusetts and vice-versa. While both our states have

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highly respected public health departments and active nonprofit public health groups, there is still much that our states can learn from each other's experiences. Through the medium of our collaborative class, we hoped that not only would our students benefit from a unique learning experience, but that their work might also benefit the public and promote the development of innovative public health laws in their respective states.

Over the course of the semester, our students engaged in "collaborative" or "cooperative" learning across three different dimensions.² First, students worked with other students in their own classes to research and prepare presentations about specific public health laws. Second, students collaborated across the law schools to teach each other about the public health laws they had studied. Finally, after researching these subjects further and developing their own policy proposals, the students collaborated, albeit to a lesser degree, with public health practitioners and advocates to deepen their understanding of these public health law issues.

While the subject of our course was public health law, we believe that the general outline of our course could be adapted for use in any policy-oriented course. Such courses could enhance students' law school experiences while also providing new information and fresh perspectives to government entities or public interest groups.

The goal of this article is to share our experience and to describe the lessons we learned while conducting this course. Section I describes the class structure in more detail. Section II then examines the benefits and challenges posed by the different components of our course design. Finally, section III discusses some of the benefits and challenges of the overall course design and suggests some adjustments we might consider for the future. Overall, this experimental course was an extremely positive experience for both us and (judging from the evaluations we conducted) our students. We hope that others will use and improve upon the course outline described in this article.

² Clifford S. Zimmerman, "Thinking Beyond My Own Interpretation": *Reflections on Collaborative and Cooperative Learning Theory in the Law School Curriculum*, 31 ARIZ. ST. L.J. 957, 959 (1999) (stating that definitions for what is "collaborative" and "cooperative" vary in the literature, and indeed both may be thought of as being encompassed by, or on a spectrum with, the other). For the purposes of this article, we use "collaborative learning" as an umbrella concept that encompasses cooperative learning, while relying on the following distinctions between the two related approaches:

"[C]ooperative learning focuses on individual mastery of the subject via a group process, while collaborative learning focuses on group work toward a unified final product. The group process in cooperative learning ends earlier, the individual produces a final result . . . and is graded individually. Collaborative learning extends to the final product which is group-created, at least partially group-graded, and possibly all or partly group-written."

Id. at 961.

II. DESCRIPTION OF THE CLASS STRUCTURE AND CURRICULA

We typically teach one-semester, two-credit Public Health Law courses at our law schools in Massachusetts and Minnesota. The courses that we each teach focus on the government's authority to enact public health regulations (at various levels and branches of government), as well as limitations on that authority. The courses examine a wide array of subject areas, ranging from tobacco control and obesity to bioterrorism and emergency preparedness. In addition to teaching, the three of us also provide legal technical assistance to public health officials and advocates on tobacco control, obesity prevention, and other public health issues, both in our respective states and nationally.

As has been shown to be the case in other law school courses, we hypothesized that students' understanding of how public health law is developed could be deepened through active, collaborative learning. To test this theory, we applied for and received a grant from the Consortium for Innovative Legal Education ("CILE"), to which both New England Law and William Mitchell belong. This grant supported adding a collaborative learning component to our Public Health Law courses. The CILE grant program is intended to facilitate creative, cooperative projects between faculties at different CILE-affiliated law schools. We worked together to synchronize our syllabi for the semester, planning for both videoconferences and in-person presentations that would involve our students in collaborative learning while also demonstrating the real-world relevance and impact of public health law.

In addition to the collaborative portions of the course discussed below, our courses employed the traditional teaching methods of class lectures and discussions. We assigned our students both a textbook and a course reader, as well as other cases and articles.³ Grades in both classes were based on three written papers, two presentations, and participation in classroom activities. To provide accountability for learning the subject matter of the course, the New England Law class was also given a final exam while weekly quizzes were given to the William Mitchell class. In addition, to reinforce the collaborative design of the class, both classes required students to informally present assigned reading selections to their classmates throughout the course.

The number of students varied significantly between the two classes. The New England Law class had seventeen students, while the William Mitchell class had ten students (including five auditors). The New England Law class had eleven women and six men, while the William

³ The required texts for the courses were LAWRENCE O. GOSTIN, *PUBLIC HEALTH LAW: POWER, DUTY, RESTRAINT* (2nd ed. 2008) and LAWRENCE O. GOSTIN, *PUBLIC HEALTH LAW & ETHICS, A READER* (2nd ed. 2010).

Mitchell class had eight women and two men. The enrollment size difference presented some minor complications for coordinating the two classes, but caused no significant problems.

To implement the CILE project, we developed a multi-phased collaborative component to our courses. The collaborative element was conducted as follows:

Phase 1 – In conjunction with the study of the policy tools employed by public health agencies, the students were divided into groups. Each group studied a significant public health intervention that had been adopted in their home state, but not in the state where the other law school is located. The purpose of this phase was to introduce the students to both the types of public health issues that are of priority in their respective states, and to familiarize them with the various levels or branches of government that are authorized to develop and implement public health laws.

To identify which public health issues to focus on, we emailed the enrolled students prior to the beginning of the course, asking them to identify the public health issues that interested them and providing them with a non-exclusive list of examples. Based on the responses received, we narrowed the field of potential public health issues to six broad topics. These topics were picked because a law on each topic had recently been enacted in at least one of our jurisdictions. Further, we were reasonably confident that issues in these topic areas would interest the broader public health community, based on our work in providing legal technical assistance to public health officials and advocates. The topics selected were tobacco control, healthy eating and active living, injury prevention, environmental health, emergency legal preparedness, and infectious disease control.

We then assigned each student one of these topic areas, based on the student's expressed preferences. Not all topics were assigned in both classes. Each student was directed to identify two laws addressing his or her assigned topic and provide a short research memo that discussed for each law:

- (a) the jurisdiction that passed the law;
- (b) the jurisdiction's authority to enact the law;

- (c) any disparate impacts of the law on different populations or sub-populations;
- (d) policy arguments for or against the law; and
- (e) suggestions for improving or critiquing the law.

Phase 2 – After this assignment was completed, we conferred and identified at least one law for each topic area that had been adopted in one jurisdiction but not the other. Some of these laws were identified by the students in their first assignments, but most were not. We then created small groups based on their topic preferences, and assigned one law or regulation to each group. (Again, there was not complete symmetry between the issues addressed in both classes.) Each class had four groups (four or five members per group at New England Law, and two or three members per group at William Mitchell). The public health laws or regulations assigned to the groups addressed tobacco control, healthy eating, environmental health, injury prevention, and emergency legal preparedness. For example, one of the student groups at New England Law studied Boston’s ban on *trans* fats in foods, and one of the groups at William Mitchell studied a Minnesota law addressing new, previously unregulated tobacco products. The student groups analyzed the legal authority for such actions, the legal tools used, and the efficacy of such policies.

Phase 3 – Each student group prepared a presentation for the other law school’s class about the public health intervention it had studied. These presentations were conducted via videoconference so that the two classes could directly interact with each other and ask one another questions about their research. Each student also prepared a research paper summarizing his or her analysis.

Phase 4 – The students were then divided into new groups based on their expressed subject-matter preferences, and these groups were asked to conduct additional research on one of the policy issues that had been presented by the other class. They were asked to analyze: (a) the legal authority for such a measure in their own jurisdiction; (b) the procedural process for adopting such a measure in their own jurisdiction; (c) the policy arguments supporting and opposing such a measure; (d) how the impact of the law

may vary across different populations, depending on gender, race, socioeconomic status, or other relevant population characteristics; and (e) any modifications that should be made to the measure proposed by the other class. Each group was asked to prepare a presentation based on its findings as well as a draft law or regulation tailored for use in the students' home state. In addition, each student was again asked to prepare a research paper.

Phase 5 – The course culminated with presentations to public health professionals. The student presentations suggested public health policies that could be adopted, based on the presentations by the class from the other law school (Phase 3) and the students' own analyses of the issues (Phase 4). The presentations by the William Mitchell class were hosted by the law school. In Boston, the general counsel's office at the Massachusetts Department of Public Health hosted the event for the New England Law students. At both locations, approximately thirty public health professionals attended. Attendees at these events came from state and local public health agencies, nonprofit public health organizations, health maintenance organizations, and other groups. At the Boston event, a member of the state legislature also attended, and he invited one of the student groups to provide testimony at an upcoming hearing because he was sponsoring a bill similar to the one the students proposed.

Phase 6 – After receiving feedback on their presentations, the students completed their research papers and also further developed the draft legislative language for their proposals.

Phase 7 – The two classes met again by videoconference at the end of the semester to talk about how their proposals were received and to discuss lessons learned.

Near the end of the course, we conducted anonymous surveys of our classes using the online survey tool Survey Monkey. After the courses ended, we were also able to view the "official" course evaluations completed by our students. The feedback from those two sources—as well as our personal observations and our discussions with students—inform the discussion in the following sections of this article.

III. BENEFITS AND CHALLENGES OF THE COURSE COMPONENTS

Our course design was the product of a number of different goals, in addition to the obvious and most important goal of providing quality instruction to our students. First, we sought to develop a model of inter-school cooperation that could be used to both enhance student learning and strengthen connections between faculty members at different CILE-member law schools. Second, we hoped to introduce both our students and our law schools to the broader public health communities in Massachusetts and Minnesota in a manner that would be substantive and worthwhile for all parties involved. Finally, we hoped to pilot a model of collaborative instruction, built around intensive and meaningful group projects, which could be used in other courses. All of the major components of our course design—intensive group projects, inter-school communication, and public presentations to external audiences—have been previously discussed (to greater or lesser extents) in academic literature that has touted the potential benefits of these activities. What has not been discussed previously is the potential “multiplier effect” of combining these teaching tools with one another. Our experience, which is admittedly anecdotal, suggests that combining group projects with required presentations to external audiences of both peers and professionals “ups the ante” (in the words of one student evaluation) and leads student groups to engage more seriously with the material. Relating meaningfully to others has been recognized as an important component of effective legal instruction,⁴ and these components of the course met this goal in a way that allowed the students to see how their studies related—and could potentially influence—the work of government officials and public health professionals.

A. Collaborative Student Projects

The academic literature about collaborative learning overwhelmingly recognizes that collaborative approaches produce noticeable benefits for student performance and development when compared to competitive learning approaches. As Gerald Hess has summarized,

[o]ver the past 100 years, more than 600 studies have demonstrated that cooperative learning produces higher achievement, more positive relationships among students, and psychologically healthier students than competitive or

⁴ Louis N. Schulze, Jr., *Alternative Justifications for Law School Academic Support Programs: Self-Determination Theory, Autonomy Support, and Humanizing the Law School*, 5 CHARLESTON L. REV. 269, 300–01 (2011).

individualistic learning.⁵

Collaborative learning has been shown to have additional benefits, as well.⁶ Most important in our minds was that collaborative learning helps students to develop the skills necessary for the practice of law.⁷ We emphasized to our students from the beginning (and repeatedly thereafter) that the collaborative aspect of the course would help them master both substantive content and some of the skills they would need to succeed as lawyers: building consensus, dividing responsibilities, providing and receiving feedback and criticism, meeting group deadlines, and more.

1. Benefits

As the literature predicted, our students felt empowered and invigorated by the opportunity to delve deeply into a substantive area and develop their own recommendations. This sense of empowerment was significantly enhanced by the opportunity to present their conclusions to a professional audience, as discussed below.⁸ From our perspective, student engagement levels were very high. With few exceptions, the students worked well as teams, organizing their own meetings to develop, review, and practice their presentations. On the day of the presentations to the class at the other law school, Professor Berman arrived at class thirty minutes early, only to find that three of the four groups were already there practicing their presentations.

Collaborative learning has been shown to assist students in learning and retaining more information, and the students themselves were surprised and energized by how much they learned about the public health issues they were assigned.⁹ As students typically express in courses where they are required to write research papers, they came to appreciate how intricate and interesting the issues became once explored at a deeper level. By organizing the research as group projects, however, the students were able to delve into the issues in even greater depth than occurs in typical “paper courses,” and

⁵ Gerald F. Hess, *Heads and Hearts: The Teaching and Learning Environment in Law School*, 52 J. LEGAL EDUC. 75, 94 (2002).

⁶ See ROY STUCKEY ET AL., BEST PRACTICES FOR LEGAL EDUCATION: A VISION AND A ROADMAP 88–89 (2007) (listing benefits of cooperative learning).

⁷ *Id.* at 88 (quoting Cramton Task Force that “[s]ince lawyers today commonly work in teams or in organizations, law schools should encourage more cooperative law student work.”).

⁸ See Tom Cobb, *Public Interest Research, Collaboration, and the Promise of Wikis*, 16 PERSP.: TEACHING LEGAL RES. & WRITING 1, 9 (2007) (discussing how collaborative product gave students a sense of pride in their work and “renewed their energy for law school”).

⁹ See Timothy J. Ellis & William Hafner, *Building a Framework to Support Project-Based Collaborative Learning Experiences in an Asynchronous Learning Network*, 4 INTERDISC. J. E-LEARNING & LEARNING OBJECTS 167, 168 (2008), available at <http://ijlko.org/Volume4/IJELLOv4p167-190Ellis454.pdf> (“[S]tudents engaged in team-based efforts have been shown to become more actively engaged in the learning activity and, consequently, more likely to retain the information being learned longer.”) (discussing Robert L. Morgan et al., *A Comparison of Short Term and Long Term Retention: Lecture Combined With Discussion Versus Cooperative Learning*, 27 J. INSTRUCTIONAL PSYCHOL. 53 (2000)).

they were able to benefit from the insights, discoveries, and varied perspectives of their group members.

2. Challenges

Despite its benefits, we confronted several challenges in both designing and implementing the collaborative learning portion of this course. First, truly collaborative learning should involve the students themselves in developing and designing their projects.¹⁰ Based on practical considerations, however, we assigned the groups subjects for their projects and gave them fairly detailed requirements about what their presentations should include. This was partly due to the inherent challenge of encouraging collaborative learning and teaching substantive content at the same time. We were concerned that without a solid foundation in public health law, the students would not be able to locate and identify promising public health interventions. Indeed, developing and selecting a list of public health interventions that had been adopted in one state (Massachusetts or Minnesota) but not the other was a time-consuming challenge even for us. We were likewise concerned that if we left the substance of the presentation open-ended, students might fixate on the public health policy issues and ignore some of the legal issues at the core of the course. Because of these limitations, we believe that our course comported with the basic principles of “autonomy support,” even though we constrained the students’ options to a significant degree. Nonetheless, involving students more intensively in the design of their own projects might be an issue to explore in the future.¹¹

Second, although group dynamics were generally positive, some challenges were identified in the student evaluations. Many groups, especially those at New England Law (where each group consisted of four or five students), complained that it was difficult to schedule meetings. Because many students are involved in externships or part-time work, schedule coordination is unquestionably complicated. We might consider providing more in-class time for group work, although this would limit the amount of time otherwise available for substantive instruction.

In addition to the issue of scheduling, some groups were upset that not all members contributed equally. As faculty, we tried to avoid stepping

¹⁰ See Zimmerman, *supra* note 2, at 1008–09 (“In the perfect world with collaborative pedagogy, the teacher would discuss the collaborative possibilities with the students, incorporate their input and insights into the determinations to be made in that classroom, and adapt the curriculum.”). See also Kennon M. Sheldon & Lawrence S. Krieger, *Understanding the Negative Effects of Legal Education on Law Students: A Longitudinal Test of Self-Determination Theory*, 33 PERSONALITY & SOC. PSYCHOL. BULL. 883, 884 (2007) (suggesting that professors should ideally provide “autonomy support,” allowing students to direct their learning experiences to the greatest extent possible).

¹¹ Sheldon & Krieger, *supra* note 10, at 884 (explaining that autonomy support and teacher prerogatives can coexist as long as the professors provide a “meaningful rationale” explaining why no choice can be provided).

into the middle of these disputes, and it was (we hope) a useful learning experience for the students to address these issues on their own. (Legal instruction literature recommends this approach, suggesting that peer pressure can motivate students as much—if not more—than pressure from an instructor.¹²) Indeed, in one case, one of the groups was so upset by a student’s lack of involvement in the group project that the members refused to let the student participate in the presentation to public health professionals. The barred student acquiesced to the group decision without protest, perhaps demonstrating tacit acknowledgement of the student’s lack of contribution.¹³

Also within the category of group dynamics, some groups appeared to simply divide up subject areas instead of working in a more collaborative manner, although they had to work together to create a single presentation and a piece of model legislation. As George Spiro has written, a “group project in which students simply compile their individual work or some group members ride on the coattails of others does not provide for a collaborative experience.”¹⁴ One way to address this might be for students to play a role in evaluating their peers (discussed in Section III below), with intra-group cooperation an explicit grading criterion.

B. Collaboration Between Law Schools

Collaboration across law schools added an important and unique element to this course. Our project did not involve distance learning as it is typically described (“an educational process characterized by the separation, in time or place, between instructor and student”¹⁵); we were primarily responsible for the instruction of our own classes. Rather, the interactive component was used to allow the students to present and to interact with their peers at another law school. To date, little has been written about this type of interactive experience.

1. Benefits

The opportunity to “meet” peers at another law school was exciting and energizing for our students. There was even a healthy dose of inter-school competition, with each class striving to make a good impression on behalf of its school. The knowledge that they would be presenting to an external audience increased the students’ motivation to produce a high-quality work product.

¹² See Zimmerman, *supra* note 2, at 984.

¹³ Determining how to grade this group was challenging. The decision was made to lower the individual student’s participation grade without penalizing the rest of the group.

¹⁴ George W. Spiro, *Collaborative Learning and the Study of the Legal Environment*, 10 J. LEGAL STUDIES EDUC., 55, 66 (1992).

¹⁵ ABA STANDARDS AND RULES OF PROCEDURE FOR APPROVAL OF LAW SCH. R. 306 (2012).

Communicating between law schools also helped to break down regional stereotypes. Additionally, students found it reassuring to see that their peers in the other state appeared to be at similar points in their educational progression.

2. Challenges

To allow for videoconferencing, we asked our respective associate deans to ensure that the two courses could be scheduled to run simultaneously. Thanks to their flexibility, this was easily coordinated, but advanced planning is obviously needed to allow for this type of interaction.

As has been noted by others, the technology itself often poses some challenges.¹⁶ We had some technical difficulties during our first videoconference, when video and audio feed to the New England Law class froze repeatedly. We tried somewhat different videoconferencing equipment and software for the second videoconference. The new software worked better, although controlling the feedback and echo remained a challenge. We conducted test-runs of the technology before each class. This helped to prevent some potential problems, but it was time-consuming both for us and for the law school staff assisting us. Most of the criticisms of the inter-law school collaboration in the student evaluations focused on the technological difficulties. Although simply using conference calling (as opposed to videoconferencing) could have eliminated some of these headaches, we believe the video portion of the shared classes, which allowed the students to see both the students in the other course and their PowerPoint presentations, was beneficial and important.

Finally, the limited amount of time that we had for videoconferences meant that although the students were able to present to their peers at the other school, there was only a brief amount of time for bi-directional interaction between the two classes. The first videoconference was almost entirely consumed by student presentations. The second videoconference resulted in a stimulating conversation between the two classes, although the need to rotate the cameras and microphones around made “natural” conversation somewhat difficult. In the future, we would consider allowing more time for students to respond and critique the presentations by the other class, and we might provide a list of questions to help guide the post-presentation discussions.

C. Presentations to External Audiences

The final component of the collaborative portion of our course

¹⁶ See, e.g., Theresa Player et al., *Internet Team Teaching: One Team's Experience*, JURIST (Nov. 2001), <http://jurist.law.pitt.edu/lessons/lesnov01.htm> (“There are many issues relating to the use of technology to enhance instruction . . .”).

consisted of presentations to public health professionals. These presentations were intended to serve several goals at the same time. For our students, we intended for these presentations to provide a valuable and memorable educational experience. For our law schools, we hoped that the presentations would help to foster better connections between our schools and the public health professionals in our communities. Finally, our overarching aim was for these presentations to benefit the community at large by introducing public health professionals and policymakers to recent innovations in public health law that they might not have considered. Previous articles have reported incorporating presentations to external audiences in course designs, but typically in the context of clinical courses.¹⁷ Our experience suggests that such presentations can also be used to enhance upper-level seminars or other upper-level doctrinal courses.

1. Benefits

The student evaluations of the presentation component of the class were almost universally positive.¹⁸ Students felt an incentive to work harder, appreciated the involvement of the audiences, valued the networking opportunity, and felt that their presentation skills were improved. They were excited and pleased to have the opportunity to present to an audience that was both knowledgeable about the material and in a position to act on the students' recommendations. As faculty, we were concerned about whether the students would put in the requisite work to prepare strong presentations. We need not have worried; the students were highly motivated to make a positive impression for themselves and their schools, and worked closely together to prepare and practice for their presentations.

In both locations, the professional participants actively engaged with the student presenters, asking questions and commenting on their legislative proposals. In several cases, the participants asked challenging questions that the students were unprepared or unable to answer. Although the students became flustered in a few instances, this was itself a powerful learning experience. Both classes discussed afterwards how the students had not fully appreciated the wide range of considerations that might come into play when considering a public health measure, including issues not often discussed in law school courses, such as public relations and messaging. Additionally, the experience of addressing (or tactfully

¹⁷ See, e.g., Jane R. Wettach, *The Law School Clinic as a Partner in a Medical-Legal Partnership*, 75 TENN. L. REV. 305, 309–13 (2008) (describing presentations to medical doctors as part of children's law clinic); Katherine C. Pearson & Lucy Johnston-Walsh, *Partners in Outreach and Advocacy: Interdisciplinary Opportunities in University-Based Legal Clinics*, 11 J. HIGHER ED. OUTREACH & ENGAGEMENT 163, 169 (2006), available at <http://openjournals.libs.uga.edu/index.php/jheoe/article/view/150> (describing presentations to community centers as part of an elder law clinic).

¹⁸ While many students were invigorated by the presentations, a few did complain about the amount of work required and commented that they wished they could have had more time to prepare.

declining to address) a question that one is not fully prepared to answer is an important skill for attorneys to develop.

A perhaps unforeseen benefit of these presentations was the respect and admiration that students developed for the public health professionals. Several students said that they did not truly understand and appreciate what public health professionals did, or what types of jobs might be available for attorneys in the field, until they had the opportunity to interact with them at these events. The students were impressed by the professionals' knowledge and experience, and in a few instances said that they were now inspired to explore potential careers in this field.

Similarly, the public health professionals expressed appreciation for the work of the students. A number of audience members stated that they believed there was a need for better partnerships between public health professionals and lawyers in the work of developing public health policy.

2. Challenges

Coordinating these presentations and handling the logistics required a significant amount of effort. Recruiting busy professionals to attend a student presentation during the middle of the day is inherently difficult, but we were pleased and gratified by the attendance at both locations. Although the professionals said that they found the presentations to be valuable, the novelty of the concept was no doubt part of the attraction. Repeating the same sort of an event on a regular basis would probably lead to some drop-off in attendance.

In addition, law students do not typically receive formal training in developing PowerPoint presentations. (We did not require PowerPoint presentations, but we highly recommended them and all groups used them.) We learned that students needed more guidance than we had foreseen about how to use PowerPoint effectively. Adding some instruction on PowerPoint basics in future iterations of this class might be useful, although this would result in less time for substantive instruction. In addition, although most students were excited by the opportunity to make these presentations, others considered them "nerve racking" and intimidating. In a few cases, we were unexpectedly thrust into the role of public speaking coaches. Although time constraints again posed an obstacle, in the future we might consider moot questioning or other means of helping the students prepare for their public presentations.

There were also some minor costs associated with these events. In both locations the venue was donated, but there were costs for the food and drink provided (which likely served a role in facilitating recruitment of the audience). These costs were offset by the CILE grant in our cases, but might pose a problem for faculty without such support.

IV. OVERALL BENEFITS, CHALLENGES, AND RECOMMENDATIONS

As shown above, our course integrated a variety of different collaborative elements into one course. All of these instructional components have been used elsewhere, but we are not aware of another course that has combined all of these elements—group projects, collaboration with another law school class, and presentations to professionals—into one course. These different collaborative elements of the course provided reinforcement, sometimes in unintended ways, to one another. Although we would not recommend changing the core elements of our course, we discuss some challenges we faced and changes that we would recommend for the future.

1. Benefits

Rather than having one final set of presentations—as is the case in many law school classes—allowing for numerous opportunities for public presentations enabled the students to work on and develop their public speaking skills. Having students present first to their classmates about the assigned readings, then to another law school class, and finally to an audience of professionals allowed the students to practice their presentation skills under escalating degrees of pressure. This approach is one way to implement the pedagogical process of “scaffolding and fading,” whereby students carry out exercises under decreasing degrees of supervision and support (the “scaffolding”), until ultimately, they perform with little or no support from the instructors (the “fading”).¹⁹ Additionally, seeing the other students’ presentations exposed each class to a variety of presentation styles and presentation techniques.

Adding collaboration between law schools helped to reinforce the lessons learned in the students’ formal presentations. The students were very interested in hearing about each other’s experiences in presenting to the external audiences. During the debriefing videoconference session, the students were highly engaged, asking questions about how the others dealt with challenging questions, and discussing the “take-aways” they gained from the experience.

The students also gained a valuable experience in legislative drafting. Introducing this new (at least for most students) legal writing skill as part of a doctrinal course could be considered an example of teaching legal writing across the curriculum.²⁰ In addition, the course provided

¹⁹ WILLIAM M. SULLIVAN ET AL., EDUCATING LAWYERS: PREPARATION FOR THE PROFESSION OF LAW 62(2007) (commonly known as the Carnegie Report).

²⁰ Carol McCrehan Parker, *Writing Is Everybody's Business: Theoretical and Practical Justifications for Teaching Writing Across the Law School Curriculum*, 12 LEGAL WRITING: J. LEGAL WRITING INST. 175, 176, 181 (2006).

lessons in the importance of carefully considering the impact of the words and phrasing used in conveying policy ideas. As part of their presentations, the students received immediate feedback from the audience about phrasing, including comments about how and why their proposed language might work or not work in real-world application. For example, some members of the audience in Minnesota reacted negatively to students' use of the word "ban" in the context of proposals to restrict sales of tobacco products by pharmacies, and suggested that avoiding the word "ban" would be helpful from a messaging and public health advocacy perspective. Likewise, students in the Boston group who presented a proposal relating to lead paint exposure were criticized by some members of the audience for discussing IQ scores in a way that might be considered insensitive to the developmentally disabled.

Based on our experience, we believe that more interaction with representatives of the public health community, earlier in the class, could have been both helpful and interesting for our students. Our model could be adapted to incorporate elements of "community-based research," where "students, faculty, and community members work[] collaboratively on research that is useful to nonprofit agencies, government entities, or neighborhood organizations."²¹ For example, this type of collaborative project could be run as a joint project between a law school and a local public health organization or a local public health department. The students and professionals could work together at the beginning of the course to identify the community's policy priorities. (Potentially, graduate students from a school of public health could also be enlisted to measure the public health needs of the local community with both quantitative and qualitative assessment tools.) Having input from public health professionals at the beginning of the process could help students become more excited about the topics they are working on, because they would have a better sense of the practical value of their work. It would also ensure more "buy-in" and interest from the professionals involved. Such collaboration would promote the development of public health policy proposals or other legal projects that are better attuned to the community's needs and more likely to gain the attention of public officials.

2. Challenges

The main challenge to this class structure was that the amount of work involved, both for students and the instructors, was much more than a two-credit class typically entails. This was a common theme in the student evaluations. The students in Minnesota commented that there was too much

²¹ James H. Backman, *Law Schools, Law Students, Civic Engagement, and Community-Based Research as Resources for Improving Access to Justice in Utah*, 2006 UTAH L. REV. 953, 954 (2006).

reading and a few did not like the quizzes, while the Boston students' primary complaint was the requirement for a final exam in addition to the work already completed.

Part of this challenge could be addressed by offering the course for three credits rather than two. This course is typically offered at both of our law schools as a two-credit class, but in retrospect, we believe we should have requested an additional credit hour for this project. One student suggested that the "presentation/paper/model legislation could be considered the final project," rather than have an exam or quizzes. This also could be considered for future classes.

This student comment, however, leads directly to the challenge of grading the course. We all struggled to determine how to: (a) assign grades to group projects; (b) balance group grades against individual grades; and (c) hold students accountable for learning the general course material. Some of the students were also concerned—as is often the case when group grades are involved—that others in the groups might freeload off of their teammates' hard work, drag down the group's grade with their lack of effort, or both.

For both of our courses, we ended up having the collaborative group work, including the written work and the two oral presentations, account for slightly more than half of the students' grades. Class participation plus the quizzes or exam accounted for the remainder. Requiring the quizzes or exams was intended to allow students to distinguish themselves more individually, as well as to hold them accountable for learning the substantive class material. As noted above, however, several students saw this as an unfair burden given the amount of work that the collaborative projects required. One way to counter this might be to have smaller groups or smaller class sizes, which would allow more time for presentations and provide more opportunities for individualized student assessments.

In the future, we also might consider adding peer assessments that would help identify both students who did not contribute adequately to their groups and those who played key roles in their groups' successes.²² Particularly if we eliminate the quizzes and final exam, allowing some variation in grades between group members might be required as matter of fairness.

V. CONCLUSION

This course was an experiment, driven by a desire to collaborate with fellow instructors and professionals, and our shared interest in

²² See Ellis & Hafner, *supra* note 9, at 171–80 (giving examples of how such a peer assessment might be structured).

promoting the importance of public health law to both our students and to wider audiences. What we discovered along the way is that we had inadvertently developed a promising template for policy-oriented courses that dramatically heightened student engagement and interest in the subject matter. We suggest that there is a need for further research about the degree to which student learning can be improved by either (a) combining multiple, overlapping collaborative components into a single course, or (b) combining collaborative research projects with presentations to external audiences. In the meantime, we invite others to utilize and modify the general structure of our course.