

SOME THOUGHTS ON TEAM PRODUCTION IN PROFESSIONAL SCHOOLS

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Leadership is a broad, amorphous topic, but it can be discussed in concrete terms. As a minimum qualification, a leader must be able to work with others in a collaborative working environment. There are two essential attributes in this thought: effectiveness in team production. It is unclear to me whether great leaders are born or made, but certainly the attributes of better leadership can be taught in a formal educational environment. Let me briefly explain this thesis by comparing my personal experiences as a student in law school and business school.

Law School

Nondescript . . . in a word, this is how I would describe my law school experience. The study of law was a solitary pursuit. In the first year, every class except legal writing and moot court had one final exam worth the entire grade. Outside of moot court and my “study group” (friends who studied together more than an organized affair), the only opportunity for interaction with fellow students were the occasional social gatherings. In the second and third years, I took trial advocacy, which required a co-counsel, and I enjoyed the collaborative experience. And so, for me, law school was a series of doctrinal courses with no rhyme or reason other than intellectual interest coupled with scheduling feasibility: so I took antitrust, immigration, corporations, law & economics, just to name a few. After the second year, I acquired enough knowledge and skill to pass the bar. I suspect that my law school experience is not so unique.

Each student individually pursued the quest for knowledge and achievement. Of course, this is far from reality. In truth, the best trials are the product of collaborative effort. In-house counsels manage the business of outside lawyers as much as they practice law. And, sophisticated clients understand that the “best lawyer” is shorthand for the lawyer who can best leverage the human resources of the firm. Success in law practice has as much to do with team production as with individual knowledge acquisition and dissemination. Yet, the law school experience diminishes the former, and emphasizes the latter. Most law students, even at the most elite institutions, do not go on to become judges and academics, but instead pursue careers in the marketplace, whether they practice law or not. We teach them sophisticated legal analytic skills, but delegate the training in “soft” and “fuzzy” concepts like teamwork and leadership to the market.

Although culture in legal institutions change at glacial pace, law schools have changed since I was a student. Experiential learning, such as externships and skills training, has taken greater prominence in the curriculum. But legal education still lags in developing leadership and teamwork skills. My experience as a business school student, after graduating from law school, confirms this point.

Business School

Balanced . . . in a word, is how I would describe the business school experience. Like law school, the first year is a fixed curriculum of required courses in assigned sections. One would think that subject matter would be the biggest difference between law and business schools: proximate cause versus portfolio theory, civil procedure versus financial modeling, etc. Not so, in my view. The subject matters used different academic languages, but they were equally interesting and rigorous. Instead, the most pronounced difference was the academic programming.

From the beginning, business was taught as a team endeavor. Every student was assigned to a “Learning Team,” composed of four to five randomly assigned students. During the entire first year, each Learning Team submitted assignments constituting a substantial portion of a student’s grade. This taught us that individual success was intertwined with group effort. Accordingly, teamwork and leadership development were stressed and woven into the fabric of the curriculum. Importantly, I never heard a complaint about the fairness of group accountability or randomness of the process. To be sure, there were many complaints about such and such underperforming or difficult person, but never a complaint about the concept of group work.

The curriculum set the incentive structure. There were high performing groups as well as dysfunctional ones and everything in between. My group worked hard to be efficient, spending time on assessing each other’s strengths and weaknesses, developing personal bonds, delegating and monitoring assignments, and performing internal reviews of each other’s performance. Some of this was mandated by the curriculum, including a facilitator led 360 evaluation of each member. Much of figuring things out was left to us. In the end, we performed because we worked well together. We remained close friends after graduation, and we have become a critical support network during our careers.

Business schools teach effective team production. Ultimately, such effectiveness is a core measurement of professional success. Though hardly “tested” in the traditional sense, the “soft” skills learned in the group meetings were as important as the “hard” knowledge learned in the lecture halls.

Takeaway

Should law schools adopt the business school model? No. Although the idea is not without merit, there are practical impediments. First, the makeup of student bodies is different. Business schools draw older, more experienced students, who come to school already accepting the fact that professional advancement entails success in team production. Second, law faculties tend to be conservative in their approach to curricular changes, and this conservatism tends to avoid academic fads and to maintain a rigid emphasis on analytics. Lastly, one can argue that leadership skills are needed more immediately for the typical business school graduate than a law graduate, whose first task is to learn the application of theory to practice.

With that said, there are ways to introduce concepts of teamwork and leadership into the curriculum without doing violence to it. Consider, for example, the following modest steps.

- In the introductory week of first year, assign incoming students into randomly assigned groups and give them a manageable project. For example, we can imagine an assignment that asks them to cull the relevant facts of a hypothetical case given a short package of case opinions, deposition testimonies, client interview notes, other documents and evidence.
- In the first year courses, assign a group midterm or project. For the teacher, this means additional grading, but only an incremental fraction of the regular grading load (e.g., 60 students divided into groups of 4 is an additional grading burden of 15 papers).
- In the first year writing courses, assign students into editing teams, each of whom are responsible for editing and critiquing the work of their team members. Assign partial accountability and responsibility for the workproduct of others.
- Provide opportunities for group projects in externships. Such projects would include personal journals and 360 evaluations of team members, and a portion of the evaluation would be a group review or grade.
- Provide a lecture series that emphasizes the importance of “soft” skills, with a mix of practitioner and academic perspectives.

These are modest proposals, superficial perhaps. But even minimal efforts to incorporate teamwork and socialization into the curriculum should have tangible impact on attitudes and culture. At the least, such efforts can plant the seeds of further reflection. What would a student take away if a group effort produced positive output? What would she learn from a negative experience? In my experience, at least, the best lessons come from failures and losses.

Fortunately, Maryland Law is not like most law schools. We provide a balance of theory and practice, with one of the strongest and best integrated clinical programs, and our academic environment is highly supportive, all of which give students a rich experience. My comments here stem from my experience as a student with the added perspective of an academic. Law schools have three years to train students—too much time *if* the goal is just to teach them to think like judges or professors, or to pass the bar exam. Two years, I think, would suffice. From time to time, we hear complaints from the marketplace that graduates are not “market ready.” This criticism is directed in part at the perceived emphasis on abstract thinking without framing in concrete problems. But I wish to note another aspect to the criticism. Law students graduate without the socialization and broader perspective on professional life that are necessary for longterm success. I question whether the “culture” of law school is one that provides the best model of professional life, career development, and incentive structures, and whether we teach them the subtle skills of maximizing individual output through team production. In my experience as a student, law school was not so good at integrating aspects of socialization and culture while business school made them a core part of the curriculum. After the first few years of climbing the learning curve on “hard” skills, the “soft” skills assume greater importance, and the rate of professional development may depend on how fast one acquires them. In the final analysis, law schools can import, modestly, some aspects of the business school model to provide a richer learning experience.