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FOSTERING AND ASSESSING LAW STUDENT TEAMWORK AND TEAM LEADERSHIP SKILLS

*Neil Hamilton**

I. INTRODUCTION

Skills of teamwork and team leadership are foundational for many types of law practice,¹ but how much instruction, supervised experience, assessment, and guided reflection on these two skills did each reader receive as a law student? Law schools' formal curricula, in the author's experience, historically have not given much attention to the development of these skills. There also has been little legal scholarship on how most effectively to foster law students' growth toward later stages of teamwork and team leadership.² Legal education must do better.

The data available on the foundational importance of teamwork and team leadership skills for the practice of law are substantial. For example,

* Professor of Law, University of St. Thomas School of Law; J.D. 1970, University of Minnesota Law School; M.A. 1979, Economics, University of Michigan; B.A. 1967, Colorado College.

1. See discussion below providing data on the importance of teamwork and team leadership to legal employers. See *infra* Part III.

2. In general, there have been only a few articles analyzing teamwork in the law journals, and none of them connect with either the data on law firm competency models and the stages of development of teamwork skills or general principles of curricular design to foster learning outcomes of this kind. Some of the important earlier work on teamwork in law includes: NEIL W. HAMILTON, ROADMAP: THE LAW STUDENT'S GUIDE TO PREPARING AND IMPLEMENTING A SUCCESSFUL PLAN FOR MEANINGFUL EMPLOYMENT 148-58 (1st ed. 2015); Linda Morton & Janet Weinstein, *Teamwork, in BUILDING ON BEST PRACTICES: TRANSFORMING LEGAL EDUCATION IN A CHANGING WORLD* 333-36 (D. Maranville et al. eds., 2015); EILEEN SCALLEN ET AL., WORKING TOGETHER IN LAW: TEAMWORK AND SMALL GROUP SKILLS FOR LEGAL PROFESSIONALS (2014); Shawn Marie Boyne, *Giving Students a Seat at the Table: Using Team-Based Learning in Criminal Law*, in *Upward! Higher: How a Law Faculty Stays Ahead of the Curve*, 51 IND. L. REV. 413 (2018); A. Rachel Camp, *Creating Space for Silence in Law School Collaborations*, 65 J. LEGAL EDUC. 897 (2016); Anne Mullins, *Team-Based Learning: Innovative Pedagogy in Legal Writing*, 49 U. S.F. L. REV. 53 (2015); Sophie Sparrow, *Can They Work Well on a Team: Assessing Students' Collaborative Skills*, 38 WM. MITCHELL L. REV. 1162 (2012); Sophie Sparrow & Margaret McCabe, *Team-Based Learning in Law*, 18 LEGAL WRITING J. 153 (2012); Janet Weinstein et al., *Teaching Teamwork to Law Students*, 63 J. LEGAL EDUC. 36 (2013); Melissa Weresh, *Uncommon Results: The Power of Team-Based Learning in the Legal Writing Classroom*, 19 LEGAL WRITING: J. LEGAL WRITING INS. 49 (2014); Lindsay P. Gustafson, *Reflections on Four Years of Team-Based Learning in First-Year Property* (accessed Jan. 10, 2019) (unpublished article), <http://ssrn.com/abstract=3393128>.

the data on legal employer competency models indicate that initiating and maintaining strong team relationships are the most common competencies that law firms and state attorneys general are assessing with respect to junior attorneys.³ Larry Richard emphasizes that lawyers are under increasing pressure to work in teams for several reasons: (1) organizational clients want access to all the talent in a firm rather than just to the relationship partners; (2) medium and larger firms are organized around practice groups that work in teams; (3) complex problems require coordination among specialists; and (4) innovation is crucial and is a team sport.⁴

New 2019 data also emphasize the strong importance of team leadership for organizational success. Gallup, based on its largest global study of the future of work, has strong data that the key to an organization's productivity and growth is employee engagement and team engagement which are determined by factors like: (1) a common purpose; (2) the opportunity to do what an employee does best; (3) the opportunity to develop; and (4) strong co-worker relationships.⁵ "[T]he single most profound, distinct, and clarifying finding—ever [by Gallup]—is probably this one—70% of the variance in team engagement is determined by the manager [team leader]."⁶

In addition, organizational clients now account for almost seventy-five percent of total law firm receipts,⁷ and these organizational clients are emphasizing the importance of exceptional understanding of the client's business and context, and creative problem-solving beyond just technical legal issues to help the client reach its goals.⁸ This is essentially teamwork with the client. The health professions are calling this type of teamwork "co-production" of a service with a patient (or client) based on: (1) the service provider's deep understanding of patient's (or client's) context; (2) effective communication; (3) deeper understanding of one another's expertise and values; (4) more cultivation of shared goals; and (5) more mutuality in responsibility and

3. NEIL W. HAMILTON, ROADMAP: THE LAW STUDENT'S GUIDE TO MEANINGFUL EMPLOYMENT 25, 27 (2d ed. 2018).

4. Larry Richard, *How to Get Lawyers to Work in Teams*, PD Q., Feb. 2019, at 22.

5. JAMES CLIFTON & JIM HARTER, IT'S THE MANAGER: GALLUP FINDS THAT THE QUALITY OF THE MANAGERS AND TEAM LEADERS IS THE SINGLE BIGGEST FACTOR IN YOUR ORGANIZATION'S LONG-TERM SUCCESS 101 (2019). This Gallup study included more than 82,000 teams in 230 organizations across 47 industries and 73 different countries. *Id.* at 102. The study found that work units scoring in the top quartile of employee engagement significantly out-performed those in the bottom quartile of employee engagement. *Id.* at 103.

6. *Id.* at 12.

7. William D. Henderson, *The Structure of the Legal Profession*, in LEGAL ETHICS, PROFESSIONAL RESPONSIBILITY, AND THE LEGAL PROFESSION 6 (2018).

8. JORDAN FURLONG, LAW IS A BUYER'S MARKET: BUILDING A CLIENT-FIRST LAW FIRM 103 (2017); Neil Hamilton, *Connecting Prospective Law Students' Goals to the Competencies that Clients and Legal Employers Need to Achieve More Competent Graduates and Stronger Applicant Pools and Employment Outcomes*, 9 ST. MARY'S J. ON LEGAL MALPRACTICE & ETHICS 260, 271-272 (2019).

accountability for performance.⁹ Jordan Furlong writes, “Law firms should think of their clients . . . as ‘co-providers’ . . . answering some of their own questions and solving some of their own problems, but doing so alongside their other providers, in tandem and ideally in collaboration.”¹⁰ Law firms and clients, as co-providers, are “partners and colleagues in the quest to achieve the client’s objectives.”¹¹ Moreover, futurists looking at the trends in the legal services market emphasize that client demands for better, faster, and cheaper legal services means that lawyers need both project management and collaborative skills in teams of lawyers and non-lawyers with the client to contribute to greater efficiency, lower costs, and a higher value proposition for the client.¹²

Some law schools are responding to these client and legal employer needs. American Bar Association (“ABA”) accreditation now requires law schools to formulate learning outcomes that are

clear and concise statements of knowledge that students are expected to acquire, skills students are expected to develop, and values that they are expected to understand and integrate into their professional lives. The outcomes should identify the desired knowledge, skills, and values that a school believes that its students should master.¹³

Fifty-six of the 193 ABA accredited law schools that had posted learning outcomes as of December 30, 2019, included teamwork as an institutional learning outcome.¹⁴ Eleven law schools also have a leadership institutional learning outcome (which will include leadership of teams) but eight of these also have a teamwork learning outcome, so a total of fifty-nine law schools (out of 193 reporting) have either a teamwork or a leadership learning outcome (or both).¹⁵ This is thirty-one percent of all ABA accredited law schools.

What is the next step for the fifty-nine law schools that have adopted a learning outcome on teamwork or team leadership (plus those that will

9. HAMILTON, *supra* note 3, at 8.

10. FURLONG, *supra* note 8, at 129-30.

11. *Id.* at 130.

12. FURLONG, *supra* note 8, at 28-29, 72-81; Jordan Furlong, *Professional Development for the Future Law Firm*, PD Q., Nov. 2017, at 5, 10; William D. Henderson, *Efficiency Engines: How Managed Services Are Building Systems for Corporate Legal Work*, ABA J., June 2017, at 38, 40-45. Randall Kiser notes that in responding to surveys, clients heavily emphasize the importance of a lawyer’s client-service orientation, relationship skills, and understanding of the client’s business. These are all co-production skills. RANDALL KISER, *SOFT SKILLS FOR THE EFFECTIVE LAWYER* 32-33 (2017).

13. Memorandum from ABA Section of Legal Education and Admissions to the Bar Managing Director on Standards 301, 302, 314 and 315, at 4 (June 2015), https://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/governancedocuments/2015_learning_outcomes_guidance.authcheckdam.pdf.

14. *See Learning Outcomes 302(c) and (d)*, U. ST. THOMAS, <https://www.stthomas.edu/hollorancenter/resourcesforlegaleducators/learningoutcomesdatabase/learningoutcomes302c>.

15. *Id.*

later adopt this type of outcome)? In Part II, this Article outlines the next steps that competency-based education requires for a law school to implement a teamwork and team leadership learning outcome.¹⁶ In Part III, this Article presents a stage development model for law student teamwork and team leadership skills.¹⁷ Part IV explains how to use the stage development model in the curriculum so that students can understand the entire range of stages of development of teamwork and team leadership.¹⁸ The students can then self-assess their own current stage of development, and faculty, staff, and a student's team members can use the model to observe and assess a student's current stage of development and give feedback to help the student grow to the next stage. Reflecting on self-assessment, teamwork experiences, and others' feedback, a student can create a written professional development plan to grow to the next stage of teamwork and team leadership and get coaching on the plan. The student can also assess the evidence the student has to demonstrate his or her level of development to potential employers.

II. NEXT STEPS FOR A LAW SCHOOL TO IMPLEMENT A TEAMWORK/TEAM LEADERSHIP LEARNING OUTCOME

The next steps for a law school (or individual program or course) that has adopted a teamwork or team leadership learning outcome are:

Step 1: Adopt a stage development model or rubric for the teamwork/team leadership learning outcome;

Step 2: Map the school's curriculum and non-curricular engagements to see where in the curriculum and culture each student can currently develop. The faculty and staff can then observe and assess teamwork and team leadership (note that a curricular or non-curricular engagement may be covering and assessing one or more of the sub-competencies of teamwork or team leadership, not all of them);

Step 3: Decide on formative and summative assessments that will inform each student about progress toward later stages of development of teamwork and team leadership;

Step 4: Decide what needs to be done to create a coordinated progression of curricular and assessment modules so that each student grows toward later stages of development on these competencies; and

16. See *infra* Part II.

17. See *infra* Part III.

18. See *infra* Part IV.

Step 5: Decide on a program evaluation to assess whether the above steps fostered student growth.¹⁹

Why is Step 1—adopting a teamwork/team leadership stage development model or rubric—so important? Medical education has described these stage development models for specific learning outcome competencies as “Milestones.”²⁰ The Milestones on a specific competency provide a “shared mental model” of professional development from student to competent practitioner and beyond to mastery.²¹ A Milestone model both defines “a logical trajectory of professional development” and highlights and makes transparent significant points in student development using a narrative that describes demonstrated student behavior at each stage.²² As Part IV makes clear, Milestones can be used for formative and summative assessment and program assessment.²³ If a faculty and staff adopt a Milestone model for teamwork/team leadership, they are building consensus on what competent performance looks like, and thus will foster interrater reliability.

It is important that the Milestone model a school adopts for teamwork/team leadership aligns with the competency models that legal employers are using to assess their lawyers. This means both that the school’s learning outcome is meeting employer and client needs and also that students can communicate with potential employers using the employers’ language. Diagram 1 below shows the competency alignment model that the Holloran Center has developed.

19. See Neil Hamilton & Jerry Organ, *Learning Outcomes that Law Schools Have Adopted: Seizing the Opportunity to Help Students, Clients, Legal Employers, and the Law School*, 68 J. LEGAL EDUC. (forthcoming 2020).

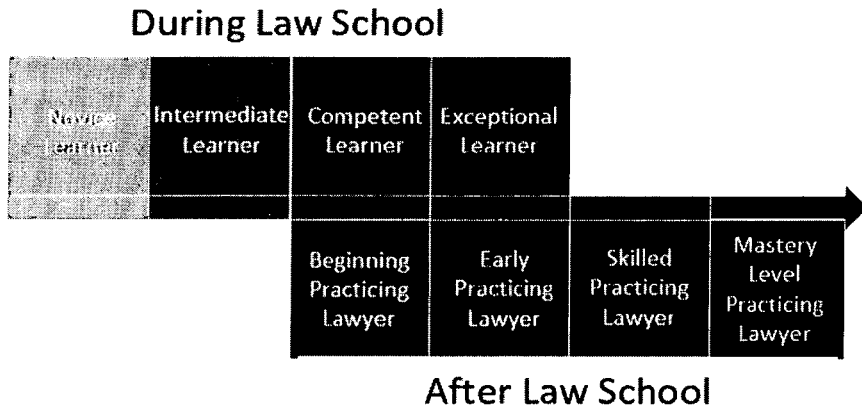
20. Neil Hamilton, *Professional-Identity/Professional-Formation/Professionalism Learning Outcomes: What Can We Learn About Assessment from Medical Education*, 14 U. ST. THOMAS L.J. 357, 365-66 (2018).

21. Laura Edgar et al., *Milestones 2.0: A Step Forward*, 10 J. GRADUATE MED. EDUC. 367, 367 (2018).

22. Thomas J. Nasca et al., *The Next GME Accreditation System—Rationale and Benefits*, 366 NEW ENG. J. MED 1051, 1052 (2012). See also Edgar et al., *supra* note 21, at 368.

23. See *infra* Part IV.

Diagram 1: Holloran Competency Alignment Model
 Stages of Development of Learning Outcome Competencies:
 A Continuum from Entry into Law School Throughout a Career²⁴



Part III offers a specific teamwork Milestone model and a specific teamwork leadership Milestone model.²⁵

III. A MILESTONE MODEL FOR TEAMWORK AND TEAM LEADERSHIP

A. What Is a “Team” and What Is “Teamwork”?

A threshold question is: What is a “team” and what is “teamwork”? Susan Wheelan distinguishes a “work group,” whose members are striving to create shared goals and an effective organizational structure to achieve these shared goals, and a “team” where “shared goals have been established and effective methods to accomplish the goals are in place.”²⁶ Work groups move through stages over time to develop into teams.²⁷ Desmond McEwan et al. define “teamwork” as “the range of interactive and interdependent behavioral processes among team members that convert team inputs (e.g., member characteristics, organizational funding, team member composition) into outcomes (e.g., team performance, team

24. This continuum/alignment model, developed by Jerry Organ and the author, builds on the Dreyfus Model of development from novice to expert. Stuart E. Dreyfus, *The Five-Stage Model of Adult Skill Acquisition*, 24 BULL. SCI. TECH. & SOC’Y 177, 177-81 (2004). A “competent learner” is ready to take the bar and begin practicing law after passing the bar exam. *Holloran Competency Milestones*, U. ST. THOMAS, <https://www.stthomas.edu/hollorancenter/hollorancompetencymilestones> (last visited May 18, 2020).

25. See *infra* Part III.

26. SUSAN A. WHEELAN, *CREATING EFFECTIVE TEAMS: A GUIDE FOR MEMBERS AND LEADERS* 2-3 (5th ed. 2016).

27. *Id.* at 25-31.

member satisfaction).”²⁸ “Team leadership” can flow from a supervisor’s formal designation of a team leader²⁹ or from lateral leadership—leadership influence without authority—where a leader without formal authority influences the working group to grow to become an effective team.³⁰

B. Development of a Milestone Model for Teamwork

In the Author’s experience, law students most easily buy into curriculum on a new competency, like teamwork, if they see clearly that legal employers value the competency. In addition, if a Milestone model for teamwork uses the language that legal employers have adopted regarding this competency, this simplifies the challenge for law students of connecting the dots between the faculty’s teamwork learning outcome and the language that employers are using. Also, a major goal for a Milestone model is alignment of the developmental steps during law school with the developmental steps during employment after graduation.

A first step in the development of a Milestone model for teamwork and team leadership is to analyze what are the most important sub-competencies that are included in the general umbral of teamwork and team leadership? What data do we have that define these sub-competencies? In 2017, eight of the ten largest Minnesota law firms shared their teamwork competency models with the Author on the basis that the data could be aggregated and the firms would remain anonymous (to protect the intellectual property defining each firm’s brand).

The most common sub-competencies listed for teamwork in the eight Minnesota firm benchmark models were as follows:

1. Actively listens and communicates with empathy;
2. Initiates and maintains respectful relationships and communication;
3. Encourages cooperation, collaboration, and respectful candor within the team;
4. Keeps senior attorneys informed and knows when to seek guidance;
5. Values inclusion;
6. Willingly shares information and knowledge;
7. Actively seeks and incorporates the views of others;

28. Desmond McEwan et al., *The Effectiveness of Teamwork Training on Teamwork Behaviors and Team Performance: A Systematic Review and Meta-Analysis of Controlled Interventions*, PLOS ONE, Jan. 2017, at 1-2, <https://journals.plos.org/plosone/article/file?id=10.1371/journal.pone.0169604&type=printable>.

29. For a discussion on managed teams, see HAMILTON, *supra* note 3, at 130-31. See also SCALLEN ET AL., *supra* note 2, at 46-47.

30. SCALLEN ET AL., *supra* note 2, at 46-47.

8. Works for common ground within the team;
9. Deals effectively with interpersonal conflict within the team;
10. Is open to feedback;
11. If a team leader effectively: (a) identifies tasks to be done by others, (b) delegates tasks clearly to them, and (c) and supervises them; and
12. If a team leader, effectively maximizes the contributions of team members and enhances professional development of others.

Strongly implicit in the law firm competency models on teamwork is continuous learning to grow to later stages on teamwork skills.

The Association of American Colleges and Universities (“AAC&U”) contributes a second data point in their Teamwork Value Rubric which includes a stage development model on the following five sub-competencies:

1. Contributes to team meetings;
2. Facilitates the contributions of team members;
3. Makes individual contributions outside of the team meetings;
4. Fosters constructive team climate; and
5. Responds to conflict.³¹

Google’s Aristotle Project contributes a third data point. The Project was a multi-year study beginning in 2012 of 180 active teams to determine the factors that led to the most effective teams.³² The factors the researchers identified that really mattered to team effectiveness were (in order of importance):

- (1) team norms that create psychological safety (referring to each team member’s “perception of the consequences of taking interpersonal risk”). The key norms are interpersonal respect and empathy and roughly equal conversational turn-taking where the members try to get everyone into the conversation;
- (2) dependability where all members of the team “reliably complete quality work;”
- (3) structure and clarity where each team member understands job expectations and goals and the process of fulfilling these expectations (the goals “must be specific, challenging and attainable”);

31. “The VALUE rubrics were developed by teams of faculty experts representing colleges and universities across the United States through a process that examined many existing campus rubrics and related documents for each learning outcome and incorporated additional feedback from faculty.” *Teamwork VALUE Rubric* (2009), ASS’N AM. C. & U., <https://www.aacu.org/value/rubrics/teamwork> (last visited May 18, 2020). “The rubrics were field tested by faculty on over 150 campuses.” *VALUE FAQs*, ASS’N AM. C. & U., <https://www.aacu.org/value-faqs> (last visited May 18, 2020).

32. Charles Duhigg, *What Google Learned from Its Quest to Build the Perfect Team*, N.Y. TIMES MAG. (Feb. 25, 2016), <https://www.nytimes.com/2016/02/28/magazine/what-google-learned-from-its-quest-to-build-the-perfect-team.html>; *Introduction*, GOOGLE: REWORK, <https://rework.withgoogle.com/guides/understanding-team-effectiveness/steps/introduction> (last visited May 18, 2020).

- (4) meaning and purpose either in the work itself or in the output; and
 (5) impact so that each team member has “the subjective judgment that [the member’s work] is making a difference [and] is important [for the] team[.]”³³

The law firm benchmark models seem to assume that the lawyer has both prepared for the team discussions and is following the team rules/norms with respect to being reliable with high-quality work that is always on time. Google’s Aristotle Project specifically calls out that, on the most effective teams, members reliably complete quality work on time; the AAC&U Value Rubric on teamwork calls out contributing to team meetings, which assumes adequate preparation. In the Author’s experience, some students are not doing these things, so they need to be included in the model.

A Holloran Center working group on teamwork³⁴ created a synthesis model, borrowing from the law firm competency models, Google’s Aristotle Project findings, the AAC&U Teamwork Rubric, and adding preparation and compliance with team rules/norms. Figure 1 below is a portion of the Holloran Center Milestone Model on Teamwork.³⁵

33. *Identify Dynamics of Effective Teams*, GOOGLE: REWORK, <https://rework.withgoogle.com/guides/understanding-team-effectiveness/steps/identify-dynamics-of-effective-teams> (last visited May 18, 2020).

34. The group consisted of Holloran Center Director and University of St. Thomas Law School Professor Neil Hamilton and University of the Pacific McGeorge School of Law Professors Lindsay Blanchard, Michael Colatrella, and Daniel Croxall. *Resources for Legal Educators*, U. ST. THOMAS, <https://www.stthomas.edu/hollorancenter/resourcesforlegaleducators> (last visited May 18, 2020).

35. U. ST. THOMAS, TEAMWORK AND TEAM LEADERSHIP SUB-COMPETENCIES 1-7 (2019), <https://www.stthomas.edu/media/hollorancemnter/pdf/FINALTeamworkandTeamLeadershipReubricMay2019Draft.pdf>. Sub-competencies 1 and 2 are borrowed in significant part from a rubric created by Lindsey Gustafson at the Bowen School of Law in Little Rock, Arkansas. See Gustafson, *supra* note 2, at 4, 6-8. Sub-competencies 3 through 5 are borrowed in significant part from the Association of American Colleges & Universities (AAC&U) Value Rubric on Teamwork. See *Teamwork VALUE Rubric* (2009), *supra* note 31. As explained below, sub-competencies 3-7 in Figure 1 reflect the teamwork stage development models from the Minnesota law firms.

(3) Individual contributions outside of team meetings from the AAC&U Teamwork Rubric. This picks up “high quality work on time” and “always reliable” from the law firm list.

(4) Communicates effectively. This picks up “actively listens and communicates with empathy” and “respectful communication” and “keeps senior attorneys informed and knows when to seek guidance” from the law firm list.

(5) Facilitates the contributions of team members from the AAC&U Teamwork Rubric. This picks up “active listening and empathy,” “actively seeks and incorporates the views of others,” and “works for common ground within the team” from the law firm list. Note that the Google Aristotle Project Report, which is the best quantitative data I have seen on effective teams, emphasizes “roughly equal conversational turn-taking” as the single most important factor influencing more effective teams. In other words, the team member who takes inordinate airtime is not helping the effectiveness of the team and everyone on the team should encourage equal participation by the quiet team members.

(6) Fosters constructive team climate from the AAC&U Teamwork Rubric. This picks up “initiates and maintains respectful relationships and communication,” “encourages cooperation, collaboration, and respectful candor within the team,” and “values inclusion” from the law firm list.

Figure 1: Assessment of Teamwork

Sub-Competency	Novice Learner	Intermediate Learner	Competent Learner	Exceptional Learner
1. Prepares for team engagements	Occasionally prepared for team discussion and occasionally contributes.	Almost always prepared for team discussion, and almost always contributes.	Always prepared enough to actively engage in the material and contribute to the team discussion.	Has mastery of the material, enabling a leadership role in helping the team to pursue its goals.
2. Complies with team rules	Occasionally recognizes team rules, but frequently does not follow them.	Recognizes and accepts team rules, and almost always complies with them.	Helps create effective team rules and always complies with them.	Has mastery of team rules and actively assists team members in complying with them to serve team goals.
3. Makes individual contributions outside of team meetings	Occasionally completes assigned tasks by the deadline.	Almost always completes all assigned tasks by the deadline; work accomplished is adequate and serves to advance the team project.	Always completes all assigned tasks by the deadline; work accomplished is thorough and comprehensive, and serves to substantially advance the team project.	Always completes all assigned tasks by the deadline; work accomplished is thorough, comprehensive, and serves to substantially advance the team project; proactively helps other team members complete their assigned tasks to a similar level of excellence.

(7) Responds to Conflict from the AAC&U Teamwork Rubric. This picks up “deals effectively with interpersonal conflict within the team” from the law firm list.

4. Communicates effectively	Rarely is mentally present during group meetings, and occasionally listens actively and contributes to group discussion; occasionally communicates status of assigned tasks or responds in a timely way when asked about assigned tasks.	Sometimes is mentally present during group meetings, and listens actively; sometimes discusses alternate viewpoints/ideas/opinions; sometimes provides timely status updates on tasks, and sometimes proactively communicates when task will be late or incomplete by agreed-upon deadlines.	Often is mentally present during group meetings, and listens actively; usually discusses alternate viewpoints/ideas/opinions; affirmatively provides status updates on assigned work and proactively communicates when task will be late or incomplete by agreed-upon deadlines.	Consistently is mentally present during group meetings, and actively listens; consistently contributes to team discussions in highly productive ways through clear, respectful communication; proactively provides status updates on assigned work and consistently proactively communicates when task will be late or incomplete by agreed-upon deadlines.
5. Facilitates the contributions of team members	Occasionally engages team members by taking turns and listening to others without interrupting.	Almost always engages team members by taking turns and listening to others without interrupting; facilitates team members' contributions by re-stating their views and/or asking questions for clarification.	Always engages team members by taking turns and listening to others without interrupting; engages and leads team members in ways that facilitate their contributions by building upon or synthesizing those contributions.	Always engages and leads team members in ways that facilitate their contributions by both constructively building upon or synthesizing those contributions, and noticing when someone is not participating and inviting them to engage; allocates work to take advantage of team members' strengths.

6. Fosters a constructive team climate	Occasionally treats team members respectfully by being polite/constructive in communication; uses neutral vocal/written tone, facial expressions, or body language; occasionally exhibits anger and hostility when team members fail to meet their obligations.	Almost always treats team members respectfully by being polite/constructive in communication; uses neutral vocal/written tone, facial expressions, or body language; assists team members only if asked; if a team member fails to meet obligations, does not give feedback to the team member but comments on problem to other team members.	Always treats team members respectfully by being polite/constructive in communication; uses positive vocal/written tone, facial expressions, and/or body language to convey a positive attitude about the team and its work; assists and encourages team members freely; may give feedback to team member who fails to meet obligations.	Always treats team members respectfully by being polite/constructive in communication; uses positive vocal/written tone, facial expressions, and body language to convey a supportive attitude about the team and its work; motivates teammates by expressing confidence about the importance of the task and the team's ability to accomplish it; leads the team by assisting and/or encouraging team members freely; approaches team member shortcomings and failures with understanding but gives direct feedback.
7. Responds to conflict	If conflict within the team, rarely redirects focus toward common ground and the substantive task at hand; usually does not personalize the conflict; largely refrains from "tit-for-tat" behavior that increases conflict; occasionally recognizes other parties' underlying concerns and needs.	If conflict within the team, almost always directs focus toward common ground and the substantive task at hand; almost always does not personalize the conflict; almost always refrains from "tit-for-tat" behavior that increases conflict; almost always recognizes other parties' underlying concerns and needs.	If conflict within the team, always identifies and acknowledges conflict and stays engaged with it by focusing the team on the substantive issues, not people; always appropriately recognizes other parties' needs and concerns in the conflict; is flexible as to possible solutions.	Always identifies and acknowledges conflict and stays engaged with it by focusing the team on the substantive issues, not people; uses face-saving strategies to encourage team members' continued engagement and deescalates anger and frustration; appropriately recognizes other parties' needs in the conflict; is highly flexible as to possible solutions as long as other parties' needs and concerns are met.

As team members grow toward later stages of all seven teamwork sub-competencies in Figure 1, the members will grow from a work group to an effective team.³⁶

C. Development of Team Leadership Sub-Competencies

A law student and new lawyer, through continuous learning, grow from being strong team members to becoming strong team leaders as well. Reviewing again the later stages of sub-competencies 1-7 in Figure 1 above, we can see that an “exceptional learner” on the teamwork sub-competencies:

- (1) has mastery in preparation, enabling a leadership role in helping the team to pursue its goals;
- (2) has mastery of the team rules/norms and actively assists the other team members in complying with them to serve team goals;
- (3) pro-actively helps other team members to complete their assigned tasks well;
- (4) always actively listens and discusses alternative viewpoints, ideas, and opinions, and is among the leaders in contributing to team discussions;
- (5) always engages and leads team members in ways that facilitate their contributions, notices when someone is not participating and invites them to engage, and allocates work to take advantage of team members’ strengths;
- (6) leads the team by articulating the positive meaning and purpose of the work and the team’s ability to accomplish it; and
- (7) always identifies and acknowledges conflict and stays engaged with it by focusing the team on substantive issues, not people; uses face-saving strategies to encourage team members’ continued engagement; and appropriately recognizes other parties’ needs in the conflict.

While a supervisory authority can formally designate a student or new lawyer to be a team leader, the student or new lawyer still needs the skills of a strong team member to be a strong team leader. A student or new lawyer can also be a team leader without formal designation as the leader. A student or new lawyer who has developed to the exceptional learner stage on some or all of the seven sub-competencies will have lateral leadership—influence without formal authority—in a team.³⁷ In any case, in the teamwork relationship with a client (called co-production earlier in Part I³⁸), the client always has final authority regarding

36. See WHEELAN, *supra* note 26, at 24-30.

37. ROGER FISHER ET AL., LATERAL LEADERSHIP: GETTING IT DONE WHEN YOU ARE NOT THE BOSS xix (2004).

38. See earlier discussion of co-production with the client, *supra* notes 9-11.

objectives so a new lawyer must develop lateral leadership skills in the client relationship.

Lateral leadership focuses on a person's ability to influence, persuade, and elicit constructive contributions from others at all levels.³⁹ Lateral leadership's main sub-competencies are:

- (1) developing a shared sense of purpose around problem resolution including asking for others' viewpoints and active listening;⁴⁰
- (2) encouraging systematic thinking about the team's projects by focusing on needed information, diagnosis, identification of options, and specific steps;⁴¹
- (3) developing a continuous learning stance and learning from experience by doing regular mini-reviews during each team project;⁴²
- (4) drawing upon others by creating meaningful roles for them, using their strengths, and giving them support, feedback, and coaching;⁴³ and
- (5) motivating and eliciting diverse ideas.⁴⁴

Note that the "exceptional learner" stage of the teamwork sub-competencies in Figure 1 includes all of the lateral leadership sub-competencies except developing a continuous learning stance which is implicit in Figure 1.

The 2019 Gallup study, *It's the Manager*, finds that the quality of team leaders is the single biggest factor in an organization's long-term success.⁴⁵ Employees, especially Millennials and Generation Z, want a team leader who:

- (1) can communicate positive purpose in the work; and
- (2) encourages and maximizes the development of each team member by:⁴⁶
 1. learning the strengths of each team member;
 2. positioning each member in a role for best performance as the team evolves and grows; and
 3. developing each member of the team.⁴⁷

Millennials and Generation Z, in particular, want "team leaders who can coach them, who value them as individuals and employees, and who help them understand and build their strengths."⁴⁸ Note that the

39. FISHER ET AL., *supra* note 37, at xix.

40. *Id.* at 54-74.

41. *Id.* at 77-111.

42. *Id.* at 112-13, 121-22.

43. *Id.* at 136-39, 158-59, 161, 164, 167.

44. *Id.* at 148-57.

45. CLIFTON & HARTER, *supra* note 5, at 12.

46. *Id.* at 10, 13, 17-18.

47. *Id.* at 105.

48. *Id.* at 18.

“exceptional learner” stage of the teamwork sub-competencies in Figure 1 includes all of the Gallup team leader sub-competencies.

Even though Figure 1 (based on law firm competency models, Google’s Aristotle project, and the AAC&U Teamwork Rubric) indicates that teamwork skills can build toward team leader skills at the exceptional learning stage, it is important to identify and call out the team leader sub-competencies (including the Gallup data) in Figure 2 below.

Figure 2: Synthesis of Team Leadership Sub-Competencies

An effective team leader:

- (1) develops and communicates clear and positive purpose and goals;
- (2) engages in active listening and acknowledges others’ viewpoints;
- (3) engages in continuous learning including learning from experience;⁴⁹
- (4) positions each team member to use his or her strengths for best performance;
- (5) fosters the development of each team member by giving frequent feedback and coaching them;
- (6) motivates diverse ideas and creates psychological safety for all to participate including roughly equal conversational turn-taking; and
- (7) manages team time well including encouragement of systematic thinking about team projects and clear delegation on specific steps.

All of the seven team leadership sub-competencies above have empirical research supporting their importance for an effective team. Figure 3 below is a Milestone model including each of these team leadership sub-competencies.

49. Leadership of self, which includes ownership over continuous professional development, is a first step for students, followed by leadership of teams, and then later, leadership of other managers, leadership of a function, and leadership of the organization. Neil Hamilton, *Leadership of Self: Each Student Taking Ownership over Continuous Professional Development/Self-Directed Learning*, 58 SANTA CLARA L. REV. 567, 574-75 (2019).

Figure 3: Assessment of Team Leadership

Sub-Competency	Novice Learner	Intermediate Learner	Competent Learner	Exceptional Learner
1. Communicates clear and positive purpose	Rarely develops and communicates clear and positive purpose and goals.	Sometimes develops and communicates clear and positive purpose and goals.	Often develops and communicates clear and positive purpose and goals.	Consistently develops and communicates clear and positive purpose and goals.
2. Actively listens and acknowledges others' viewpoints	Rarely engages in active listening and acknowledging others' viewpoints.	Sometimes engages in active listening and acknowledging others' viewpoints.	Often engages in active listening and acknowledging others' viewpoints.	Consistently engages in active listening and acknowledging others' viewpoints.
3. Engages in continuous learning	Rarely engages in continuous learning including learning from experience and reflection.	Sometimes engages in continuous learning including learning from experience and reflection.	Often engages in continuous learning including learning from experience and reflection.	Consistently engages in continuous learning including learning from experience and reflection.
4. Positions each team member to maximize strengths	Rarely positions each team member to maximize his or her strengths for best performance.	Sometimes positions each team member to maximize his or her strengths for best performance.	Often positions each team member to maximize his or her strengths for best performance.	Consistently positions each team member to maximize his or her strengths for best performance.
5. Fosters the development of each team member	Rarely fosters the development of each team member by giving frequent feedback and coaching them.	Sometimes fosters the development of each team member by giving frequent feedback and coaching them.	Often fosters the development of each team member by giving frequent feedback and coaching them.	Consistently fosters the development of each team member by giving frequent feedback and coaching them.

6. Motivates diverse ideas including equal conversational turn-taking	Rarely motivates diverse ideas and creates psychological safety for all to participate including roughly equal conversational turn-taking.	Sometimes motivates diverse ideas and creates psychological safety for all to participate including roughly equal conversational turn-taking.	Often motivates diverse ideas and creates psychological safety for all to participate including roughly equal conversational turn-taking.	Consistently motivates diverse ideas and creates psychological safety for all to participate including roughly equal conversational turn-taking.
7. Manages team time well	Rarely manages team time well including encouraging of systematic thinking about team projects and clear delegation on specific steps.	Sometimes manages team time well including encouraging of systematic thinking about team projects and clear delegation on specific steps.	Often manages team time well including encouraging of systematic thinking about team projects and clear delegation on specific steps.	Consistently manages team time well including encouraging of systematic thinking about team projects and clear delegation on specific steps.

Part IV below analyzes how to integrate a teamwork and team leadership Milestone model into law school curriculum and assessment.⁵⁰

IV. INTEGRATION OF A TEAMWORK AND TEAM LEADERSHIP MILESTONE MODEL INTO LAW SCHOOL CURRICULUM AND CULTURE

A. Principles of Effective Curriculum and Assessment

Assume the faculty and staff have adopted a Milestone model for a teamwork/team leadership learning outcome.⁵¹ Assume also that they have mapped the curriculum to see where in the current curriculum a student can develop and the faculty and staff can assess each student's teamwork/team leadership sub-competencies.⁵² This Part focuses on helping the faculty and staff: (1) to create a coordinated progression of curriculum and assessment modules so each student can grow to later stages of each sub-competency;⁵³ and (2) to decide on program assessment.⁵⁴

50. See *infra* Part IV.

51. See *supra* Part II (Step 1).

52. See *supra* Part II (Step 2).

53. See *supra* Part II (Steps 3 and 4).

54. See *supra* Part II (Step 5).

What are general principles to guide the faculty and staff on these steps? In 2017 Desmond McEwan, Geralyn R. Rulssen, Mark A. Eys, Bruno D. Zumbo, and Mark R. Beauchamp did a systematic review and meta-analysis of teamwork training interventions. They outlined four types of training methods:

- (1) providing didactic education to team members in a classroom-type setting (such as a lecture);
- (2) utilizing an inter-active workshop-style format where team members take part in various group activities like discussions about goals or case studies;
- (3) utilizing simulation training where teams experientially enact teamwork skills in an environment that mimics team tasks; and
- (4) incorporating team reviews while the team actually performs its tasks which allow the team to review the quality of their work on an on-going basis.⁵⁵

The researchers found that “simply providing educational lectures wherein team members passively learn about teamwork is not an effective way of improving teamwork”⁵⁶ while significant effects were shown for the latter three training methods to improve teamwork outcomes.⁵⁷ Rather, “teamwork training should incorporate experiential activities that provide participants with more active ways of learning and practicing teamwork.”⁵⁸

Mihnea Moldoveanu and Das Narayandas note,

Research by cognitive, educational and applied psychologists dating back a century, along with more recent work in the neuroscience of learning reveals that the distance between where a skill is learned . . . and where it is applied . . . greatly influences the probability that a student will put that skill into practice.⁵⁹

This occurrence is characterized as a “near transfer.”⁶⁰

A synthesis of McEwan, Moldoveanu, and Narayandas leads to basic principles in teamwork/team leadership curricular design: (1) teamwork education cannot rely simply on educational lectures; it must also include experiential activities; and (2) the distance in time between when teamwork concepts are introduced and when they are applied should be short.

55. McEwan et al., *supra* note 28, at 3.

56. *Id.* at 16.

57. *Id.*

58. *Id.* All four training methods together were also effective in enhancing team performance.

59. Mihnea Moldoveanu & Das Narayandas, *The Future of Leadership Development*, HARV. BUS. REV., Mar.–Apr. 2019, at 40, 46.

60. *Id.*

There are additional principles to guide curriculum and assessment design from scholarship on higher education in other disciplines, particularly medical education and moral psychology. Teamwork and team leadership are relational competencies that develop through a process of professional formation where the student and new lawyer grow to internalize deep responsibilities to others, like the client and the team, as they mature. Scholarship on effective curriculum to foster this type of professional formation from medical education and moral psychology adds the additional principles below for effective curriculum and assessment.⁶¹

[(3.)] Take into account that students are at different developmental stages of growth and engage each student at the student's present developmental stage ([g]o where they are).⁶²

[(4.)] Emphasize experiential learning, coaching and feedback on the student's performance, and repeated opportunities for guided reflection and development of the habit of reflection.⁶³ [Major transitions for students are particularly important times for coaching and guided reflection.]⁶⁴ [Not in original].

[5.] Help the student understand how the new knowledge/skill is building on the student's existing knowledge/skill in a progression of engagements and assessments to help the student grow to later stages.⁶⁵

[6.] Emphasize the importance of direct observation of student performance and multi-source feedback based on observation by faculty, staff, other students, clients or other direct observers⁶⁶ [multi-source feedback is explained further below.]

[7.] Consider written individualized learning plans and student portfolios (into which the direct observations of performance are

61. Hamilton, *supra* note 20, at 380-88. This sequence, numbered 3-8, borrows from my forthcoming work. Neil Hamilton, *The Major Transitions in Professional Formation and Development from Being a Student to Being a Lawyer Present Opportunities to Benefit the Students and the Law School*, 72 BAYLOR L. REV. (forthcoming 2020), http://papers.ssrn.com/sol3/papers.cfm?abstract_id=3449480 [hereinafter Hamilton, *Transitions in Professional Formation*]. The portions that have either been modified or added have been bracketed.

62. Hamilton, *supra* note 20, at 384, 387; Hamilton, *Transitions in Professional Formation*, *supra* note 61.

63. Hamilton, *supra* note 20, at 373-76, 380, 383; Hamilton, *Transitions in Professional Formation*, *supra* note 61.

64. The thrust of my forthcoming paper grapples with the question of how best to mold curious learners into skilled practitioners. Hamilton, *Transitions in Professional Formation*, *supra* note 61. This Article grows out of a similar concern for lawyer development, but with a heightened focus on teamwork and leadership.

65. Hamilton, *supra* note 20, at 383-84; Hamilton, *Transitions in Professional Formation*, *supra* note 61.

66. Hamilton, *supra* note 20, at 375, 382; Hamilton, *Transitions in Professional Formation*, *supra* note 61. Note that the observer needs to have reasonable observation of any of the sub-competencies of teamwork/team leadership, not all of them.

placed) combined with coaching as part of an effective curriculum and assessment⁶⁷ [student portfolios are explained further below].

[8.] Program assessment requires some direct assessment (direct and indirect assessment are explained further below.)⁶⁸

Three of the concepts above need further explanation: (1) multi-source feedback, (2) portfolios, and (3) direct and indirect assessment in program evaluation.

1. Multi-Source Feedback

Multi-source feedback, widely used in medical education and also referred to as a 360-degree assessment,⁶⁹ “is an assessment tool that is completed by multiple persons within a learner’s sphere of influence. Multi-rater assessments are ideally completed by students, peers, nurses, faculty supervisors, patients, families, and the residents themselves.”⁷⁰ Different respondents focus on the characteristics of the student or physician that they can assess, so for example, patients are not expected to assess clinical expertise.⁷¹ High-quality assessment will use rating scales, evaluation forms, and the aggregation of multiple data points.⁷² Together with rating scales and evaluation forms, narrative feedback is also very useful as feedback to the student.⁷³

A meta-analysis of the multi-source feedback process to assess physician performance⁷⁴ emphasizes that multi-source feedback

67. Hamilton, *supra* note 20, at 375-76; Hamilton, *Transitions in Professional Formation*, *supra* note 61.

68. COUNCIL FOR HIGHER EDUC. ACCREDITATION, STATEMENT OF MUTUAL RESPONSIBILITIES FOR STUDENT LEARNING OUTCOMES: ACCREDITATION, INSTITUTIONS, AND PROGRAMS 5 (2003), <https://www.chea.org/sites/default/files/other-content/StmntStudentLearningOutcomes9-03.pdf>.

69. Ahmed Al Ansari et al., *The Construct and Criterion Validity of the Multi-Source Feedback Process to Assess Physician Performance: A Meta-Analysis*, 5 ADVANCES MED. EDUC. & PRAC. 39, 39 (2014).

70. Linda Snell, *Supporting Professionalism and Professional Identity Formation at the Postgraduate Level*, in TEACHING MEDICAL PROFESSIONALISM: SUPPORTING THE DEVELOPMENT OF A PROFESSIONAL IDENTITY 248, 254 (Richard L. Cruess et al. eds., 2d ed. 2016).

71. Tyrone Donnon et al., *The Reliability, Validity, and Feasibility of Multisource Feedback Physician Assessment: A Systematic Review*, 89 ACAD. MED. 511, 511 (2014).

72. John J. Norcini & Judy A. Shea, *Assessment of Professionalism and Progress in the Development of a Professional Identity*, in TEACHING MEDICAL PROFESSIONALISM: SUPPORTING THE DEVELOPMENT OF A PROFESSIONAL IDENTITY, *supra* note 70, at 155, 162.

73. ERIC S. HOLMBOE ET AL., THE MILESTONES GUIDEBOOK 17, 21 (2016), <https://www.acgme.org/Portals/0/MilestonesGuidebook.pdf>; see Al Ansari et al., *supra* note 69, at 42, 48; Hamilton, *supra* note 20, at 375-76.

74. Al Ansari’s meta-analysis included thirty-five studies. Al Ansari et al., *supra* note 69, at 42. “The sample size of the studies ranged from six plastic surgery residents to 577 pediatric residents who had been assessed using [multi-source feedback] with as few as 1.2 patients and 2.6 medical colleagues to as many as 47.3 patients completing forms per student.” *Id.*

has been shown to be a unique form of evaluation that provides more valuable information than any single feedback source. [Multi-source feedback] has gained widespread acceptance for both formative and summative assessment of professionals, and is seen as a trigger for reflecting on where changes in practice are required. [Multi-source feedback] has been shown to enhance changes in clinical performance, communication skills, professionalism, teamwork, productivity, and building trusting relationships with patients.⁷⁵

A second meta-analysis of multi-source feedback also concludes that it is “reliable, valid, and feasible.”⁷⁶

Applying these multi-source feedback principles to legal education, we can see that faculty, staff, and other students, as well as observers outside the law school, will have experience observing a student’s teamwork and team leadership skills. Part IV.B. below explores where in the curriculum these observers can be most effective in fostering student development.

2. Student Portfolios

A portfolio is a “purposeful collection of student work that demonstrates the student’s efforts and progress in selected domains.”⁷⁷ “Portfolios are also recommended for capturing the combined assessments [for a student] and providing a longitudinal perspective.”⁷⁸ Several scholars in *Teaching Medical Professionalism* recommend student portfolios as a particularly effective formative assessment. For example, Drs. Holden, Bock, and Luk emphasize that “portfolios are also recommended for capturing the combined assessments and providing a longitudinal perspective.”⁷⁹ They note that “[p]ortfolios designed to capture evidence of competency attainment can include a section about identity development. The aggregation of information into a portfolio would provide a longitudinal perspective allowing for a broader view of students’ developmental trajectory not readily available from more narrow or discrete pieces of information.”⁸⁰ An ePortfolio is simply a digital repository for the purposeful collection of the student’s work in one place. It enables each student, working with faculty and staff, to “curate evidence of learning in creative ways that are not possible with

75. *Id.* at 49 (citations omitted).

76. Donnon et al., *supra* note 71, at 515.

77. Yvonne Steinert, *Educational Theory and Strategies to Support Professionalism and Professional Identity Formation*, in *TEACHING MEDICAL PROFESSIONALISM: SUPPORTING THE DEVELOPMENT OF A PROFESSIONAL IDENTITY*, *supra* note 70, at 68, 78 (citation omitted).

78. Mark D. Holden et al., *Developing and Implementing an Undergraduate Curriculum*, in *TEACHING MEDICAL PROFESSIONALISM: SUPPORTING THE DEVELOPMENT OF A PROFESSIONAL IDENTITY*, *supra* note 70, at 231, 236.

79. Holden et al., *supra* note 78, at 236.

80. *Id.* at 237.

typical paper-based methods. For example, ePortfolios enable learners to demonstrate, reflect on, and easily share scholarly and other work products using graphics, video, web links, and presentations.”⁸¹

By 2016, over forty-seven percent of the medical schools in the United States (that responded to the surveys) were using student portfolios, with seventy-two percent of those using a longitudinal, competency-based portfolio strategy.⁸² Eighty percent of respondents agreed that portfolios engaged students and sixty-nine percent of respondents agreed that portfolios engaged faculty; moreover, ninety-seven percent of respondents agreed that there is room for improvement with respect to the use of portfolios.⁸³ A systemic review of all the empirical evidence on the educational effects of using portfolios found that “the ‘higher’ quality studies identified by our review suggest benefits to student reflection and self-awareness, knowledge and understanding (including the integration of theory and practice) and preparedness for postgraduate training in which the keeping of a portfolio and engagement in reflective practice are increasingly important.”⁸⁴ It will be important to follow medical education research on the use of portfolios in the curriculum.

An ePortfolio curricular strategy applied to the stages of development for teamwork or team leadership, for example, would require each student to collect evidence that demonstrates later-stage development of this competency. After the student collects evidence of stage or milestone development, the student then selects the most credible and persuasive evidence that the student has achieved a particular stage of development. The student carries the burden to demonstrate that he or she is at a competent learner stage on teamwork or team leadership and would need to focus on what is the most persuasive evidence for audiences like law faculty and staff as well as audiences like legal employers in the student’s areas of employment interest. The student then reflects on what the student needs to do to grow to the next stage of development regarding that competency and how to develop credible evidence of that growth. A portfolio approach to assessment would contribute to:

1. a central location where all the observations from different stakeholders about a student’s performance regarding a competency are collected;

81. Laurie Posey et al., *Developing a Pathway for an Institution Wide ePortfolio Program*, 5 INT’L J. EPORTFOLIO 75, 75 (2015).

82. Jason Chertoff et al., *Status of Portfolios in Undergraduate Medical Education in the LCME Accredited US Medical School*, 38 MED. TCHR. 886, 889, 894 (2016).

83. *Id.* at 890.

84. Sharon Buckley et al., *The Educational Effects of Portfolios on Undergraduate Student Learning: A Best Evidence Medical Education (BEME) Systematic Review*. BEME Guide No. 11, 31 MED. TCHR. 340, 351 (2009).

2. collection of the student's own on-going reflection into a longitudinal file;
3. mentor and coach review of a student's portfolio on a given competency to provide a basis for feedback (these mentor/coach observations should be included in the portfolio); and
4. each student's development of a written individualized learning plan that is revised regularly based on new experiences, feedback, and further reflection. The student is collecting the most persuasive evidence of later stage development on particular competencies.

3. Direct and Indirect Assessment in Program Evaluation

ABA Standard 314 for accreditation requires a law school to use both formative⁸⁵ and summative⁸⁶ assessment methods in its curriculum to measure and improve student learning and provide meaningful feedback to students.⁸⁷ ABA Standard 315 requires "ongoing evaluation of the law school's program of legal education, learning outcomes, and assessment methods" and the dean and faculty "shall use the results of this evaluation to determine the degree of student attainment of competency in the learning outcomes and to make appropriate changes to improve the curriculum."⁸⁸ While ABA Interpretation 315-1 provides a number of examples of evaluation methods that include evaluation of student portfolios and student evaluations of the sufficiency of their education,⁸⁹ the accreditation standards of the University as a whole, of which the law school is a part, will both differentiate between direct and indirect assessments and will require some direct assessment of student performance of a learning outcome competency. The Council for Higher Education Accreditation now requires direct evidence of student learning:

Evidence of student learning outcomes can take many forms, but should involve direct examination of student performance—either for individual students or for representative samples of students. Examples of the types of evidence that might be used appropriately in accreditation settings include (but are not limited to):

- Faculty-designed comprehensive or capstone examinations and assignments.

85. ABA STANDARDS & RULES OF PROCEDURE FOR APPROVAL OF LAW SCH. 23 (AM. BAR ASS'N 2018), https://www.americanbar.org/content/dam/aba/publications/misc/legal_education/Standards/2017-2018ABASStandardsforApprovalofLawSchools/2017_2018_standards_chapter3.authcheckdam.pdf (interpreting standard 314 to mean "[f]ormative assessment methods are measurements at different points during a particular course or at different points over the span of a student's education that provide meaningful feedback to improve student learning").

86. *Id.* (interpreting the standard to mean "[s]ummative assessment methods are measurements at the culmination of a particular course or at the culmination of any part of a student's legal education that measure the degree of student learning").

87. *Id.*

88. *Id.* at 23-24.

89. *Id.*

- Performance on licensing or other external examinations.
- Professionally judged performances or demonstrations of abilities in context.
- Portfolios of student work compiled over time.
- Samples of representative student work generated in response to typical course assignments.⁹⁰

On the other hand, indirect assessment generated by methods like student satisfaction surveys, focus groups, or interviews are certainly useful in the accreditation process, but do not in themselves constitute direct evidence of student learning outcomes.

B. Where in the Formal Curriculum and Other Experiences of a Law School Can Students Experience Teamwork and Team Leadership and Who Can Observe Student Performance?

A fundamental challenge with competencies like teamwork and team leadership is that in the author's experience, historically in legal education, there have been few situations in either the formal or other experiences of law school where a faculty or staff member directly observes a student's teamwork or team leadership. Among the few situations where faculty and staff may directly observe a student's teamwork skills are when a student is teaming with a faculty or staff member by: (1) serving as a research assistant; (2) doing a supervised research project; or (3) serving on a law school committee. This also is changing with on-going experiments in team-based learning at some law schools. For example, Lindsey Gustafson recently wrote on "lessons learned" in four years of team-based learning in her first-year property course.⁹¹

While there will only be the few situations either in the formal curriculum or other law school experiences where a faculty or staff member directly observes a student's teamwork/team leadership skills, students do work in informal working groups and teams in both the formal curriculum and other experiences of law school. Other students on these teams do directly observe teamwork and team leadership skills and can assess these skills. Many medical schools are moving toward peer assessment of teamwork and team leadership skills.⁹²

90. COUNCIL FOR HIGHER EDUC. ACCREDITATION, *supra* note 68, at 5.

91. See Gustafson, *supra* note 2.

92. Email from Dr. Claudio Violato, Professor & Assistant Dean, Univ. of Minn. Med. Sch., to Neil Hamilton, Professor, Univ. of St. Thomas School of Law (Feb. 14, 2019) ("There are no firm data but probably 60% of schools do some variant of this, but generally not very systematically.") (discussing peer assessment of teamwork) (on file with author).

A major challenge with peer assessment is whether the faculty and staff have first provided students with a framework for understanding teamwork and team leadership skills and then provided sufficiently structured opportunities for the student groups to grow from informal working groups toward teams. Such opportunities should be sufficient so that the team members have a reasonable amount of information on which to base the peer assessment.

Historically, in the author's experience, while some doctrinal faculty members do ask the students to work in informal working groups, the professor provides no framework for understanding teamwork and team leadership and how to grow toward later stages with respect to these skills. The author's experience is that very few doctrinal courses offer students in working groups enough experience to work together on specific projects and grow toward a team to give team members a good basis for peer assessment of teamwork and team leadership skills.

In the experiential courses like externships, simulation courses including moot court, and clinics, there is significantly more opportunity for projects where working groups can evolve into teams with ample information for team members to do a peer assessment of these competencies. It is important for the faculty or staff member in charge of the experiential course to provide a framework for understanding teamwork and team leadership skills and the peer assessment.

The other non-curricular experiences of law school offer a major opportunity for experience with teamwork and team leadership and multi-source assessment and feedback based on reasonable observation. Many students have experience working on teams both in student organizations and organizations outside of the law school. These are excellent for peer assessment of teamwork and team leadership. The student organizations inside the law school have faculty or staff advisers who could provide the needed framework to understand teamwork and team leadership skills and the peer assessment. Student experience on teams in organizations outside the law school is excellent, but poses a much greater challenge in terms of basic instruction needed for effective team assessment. If the outside organization is like a bar association, there may be willingness to experiment so that the outside organization supervisors understand and can implement these principles.

C. Author's Experience with Teamwork and Team Leadership Curriculum and Assessment

A number of the articles cited in footnote two offer lessons learned from the Authors' experience teaching team-based learning in required

and elective courses.⁹³ This section outlines the author's "lessons learned" from teaching teamwork in two different elective courses.⁹⁴

The author has taught two different elective thirteen-week courses where a substantial portion of the final grade is based on team projects (Ethical Leadership in Organizations has had thirty percent of the grade assigned to team projects for the last ten years, and Executive Perspectives in Ethics and Compliance has had fifty percent of the grade assigned to team projects for the last three years). The sections vary between twenty to thirty-two upper-level students.

The students are assigned into teams of four in the leadership class to do four presentations running twenty-five to thirty minutes, and teams of five in the compliance class to do five presentations. Each team member will lead the team in one presentation. Although larger teams may increase the validity and reliability of peer assessment, there is a practical limit during a single semester on how many team presentations can be scheduled which gives each team member the opportunity to lead the team.

The Executive Perspectives in Ethics and Compliance course opens with the students sitting in their teams assigned based on each student's preferences regarding possible areas of practice/industry focus. The first class focuses on the principles of teamwork and team leadership, including a discussion of each student's greatest fears about teamwork and best and worst team experiences. The discussion includes each student's self-assessment of his or her current stage of development (including what evidence the student has in support) on each of the teamwork and team leadership Milestone sub-competencies and how the student intends to grow to the next stages during the semester.

The first class also reviews the concepts of creating written team rules/norms including norms that address the free rider problem and the principles that inform a good team meeting. The instructor goes over the assignments and assessments that are discussed below in Appendices D-F. The teams end the class by discussing and deciding upon the team's written rules/norms, and each team sends the team rules/norms to the professor. These assignments are pass/fail and are attached as Appendices A and B.

The second class includes the electronic simulation of a team climbing Mount Everest, wherein students play one of five roles on a team of climbers.⁹⁵ Teammates must share information to maximize group

93. See *supra* note 2 and accompanying text.

94. See *infra* Part IV.C.

95. Michael A. Roberto & Amy C. Edmondson, *Leadership and Team Simulation: Everest V3*, HARV. BUS. PUB. (Dec. 5, 2017), <https://hbsp.harvard.edu/product/8867-HTML-ENG> (providing a description of the simulation).

achievement and avoid the perils that threaten the group's ability to reach the summit and meet its goals. The key learning objectives are:

To learn how to build, participate in, and lead effective teams, as well as to examine: 1. How teams can improve the way they make decisions, 2. How opposing interests and asymmetric information affect team dynamics, 3. How leaders shape team decision-making and performance in competitive and time-sensitive situations, 4. How teams and their leaders deal with trade-offs between short-term task completion and longer-term team effectiveness, and 5. How cognitive biases impair decision-making.⁹⁶

After the simulation, the teams submit a reflection based on the questions in Appendix C, and in the third class, the class discusses the major "lessons learned" from the simulation.

The teams start giving presentations in the fifth class. The team leaders for each presentation must submit a project management plan by the week before the presentation. Each presenting team receives "hot wash" feedback from the other teams immediately after the presentation, and written feedback from the instructors the following week. The "hot wash" feedback is attached as Appendix D. Immediately after the presentation, each team member assesses the team leader using the form attached as Appendix E. The team leader also does a self-assessment on the same form. The instructor summarizes this feedback and self-assessment (not using any names) in written feedback to the team given in the week after the presentation.

At the end of class in week seven, the students fill out a 360-degree assessment of each of the other team members (and a self-assessment) using the form in Appendix F. The instructor creates a report for each student analyzing the peer and self-assessment data that is given back in week eight. This same process could be done again in the last week of the thirteen-week class. In this last week, the instructor reminds students to put these assessments and reflections into a teamwork and team leadership portfolio so the student can tell a strong story about ownership over professional development and growth to a later stage of teamwork.

The student evaluation of teaching on teamwork has been strongly positive. They especially appreciate the feedback-rich curriculum. The major suggestion for change (from the students who are experienced managers) is that these students have already learned later stage teamwork and team leadership skills after the third presentation, and more presentations are not needed.

96. *Id.*

V. CONCLUSION

Teamwork and team leadership are important skills for the practice of law, and over thirty percent of the ABA accredited law schools have adopted a teamwork or team leadership learning outcome. As these schools implement this learning outcome through the steps outlined earlier, the graduates, their clients, their legal employers, and the school will benefit. This Article provides useful tools for this process: (1) a teamwork stage development model for faculty and staff to consider; (2) principles to guide curricular and non-curricular engagements and assessments; and (3) specific curriculum and assessments the author has tried.

These steps to realize a teamwork/team leadership learning outcome are challenging and will take some years and much experimentation and reflection on what engagements and assessments are most effective. A school with these learning outcomes should undertake faculty and staff development for those involved in creating and implementing a coordinated progression of modules and assessments on teamwork and team leadership. Medical education scholarship provides very helpful suggestions on how to implement faculty and staff development.⁹⁷

It is also important to manage student expectations with new initiatives to get as much student “buy-in” as possible. William Henderson emphasizes that students expect to learn about the standard subjects in the standard ways.⁹⁸ They are unprepared to learn that the practice of law is about a much broader array of competencies than the focus on the traditional law curriculum.⁹⁹ Students want bar passage and meaningful employment; so, the faculty and staff must make every effort to make clear how the curricular changes discussed here help each student develop the competencies that legal employers and clients want and thus help the student toward her goals. Alumni speakers can help validate the importance of teamwork and team leadership skills.

Finally, given the limited-resources realities of individual law schools, it also makes sense to cooperate with other schools that have the same teamwork and team leadership learning outcomes and not to “go solo.”¹⁰⁰ The Holloran Center Milestones are an example of collaboration. The Center’s website also provides examples of effective curriculum and assessment for the teamwork and team leadership. More collaboration is

97. See Steinert, *supra* note 77, at 124, 124-139; see also ERIC S. HOLMBOE ET AL., *supra* note 73, at 17-18.

98. William D. Henderson, *A Blueprint for Change*, 40 PEPP. L. REV. 461, 505 (2013).

99. *Id.*

100. Pamela M. Tripp, *Solo Leadership Builds Silos*, PAMELA TRIPP (Nov. 24, 2017), <https://pamelatripp.com/solo-leadership-builds-silos>.

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a long-term challenge for the fifty-eight law schools with these learning outcomes.

APPENDIX A

Considerations for Drafting Team “Rules/Norms of Conduct”

Every team must draft Rules/Norms of Conduct consisting of the team’s top ten rules. The team leader for this evening must send them to the professor.

Start by making a list of each team member’s greatest fear about team-graded assignments. Can the team’s Rules/Norms of Conduct address these fears?

A possible way to proceed is to have each team member read the list of possible rules/norms below and rank the most important rules using 1-10 where 1 is the most important rule. Add any rules that you think are missing from this list. Then discuss and reach consensus on the top ten rules for the team.¹⁰¹

- Reach agreement on how to deal with team members who are “free-riding” or “not carrying their weight.” Talk about how to give and receive constructive criticism of another team member.
- Reach agreement on what “getting to a meeting on time” means.
- Reach agreement on what “completing work on time” means.
- Reach agreement on how to deal with team members who take up too much time in team meetings. Or who contribute too infrequently to team meetings (e.g. invite quiet members to speak if necessary).
- Reach agreement on how to resolve interpersonal conflict among the team.
- Schedule regular times when the team discusses how it is doing and how it could do better.
- Ask at the end of each meeting what can be done to make future meetings more useful.
- Have agendas for each meeting. Start and stop on time.
- Listen to group members. Be receptive to and respectful of others’ thoughts/input.
- On any topic, get all the options and their respective strengths and weaknesses out on the floor before evaluating them and making decisions.
- Be willing to compromise or change your position.
- Be patient with others’ process and learning.

101. Some of these considerations were presented in Prof. Jerome Organ’s Property Class at the University of St. Thomas School of Law.

- Be proactive in addressing problems (it is not just the leader's responsibility).
- Contribute to discussion.
- Consider norms about phone calls/emails/texting during team meetings.
- Respond within ____ hours (or same day) to communications from the group.
- Have a sense of humor.
- Be willing to admit your own mistakes and apologize.
- Don't monopolize or dominate.
- Be pro-active in asking other team members for feedback.
- Reflect on feedback from the team.
- Tell people what you need. Don't expect them to guess.
- When asking for someone to do something, explain why you are making the request so that the person can offer alternative solutions.
- When responding to a team member's request, if you have to say "no," always explain why.
- Other Rules/Norms?

APPENDIX B

How to Lead an Effective Team Meeting

1. How does the meeting fit with the project management template that the leader has created for this project?
2. Be clear about the purpose for the team meeting.
3. Ask attendees for agenda items.
4. Can you articulate several clear measurable objectives for the meeting to achieve?
5. Create an agenda of the key topics and the time allocated for each topic.
6. Start and stop at the times announced. New research shows that ending on time is critical to avoid frustration.
7. New research indicates that 48 minute meetings create more efficient discussion than one hour meetings.
8. Move the agenda forward as needed to keep on time.
9. Try for roughly equal participation by each team member. Call on team members who are not speaking on a topic where you need input from every team member. A strategy is just to “go around the room” and ask each person for input.
10. Who will take notes? Clarify especially when an action step is agreed upon.
11. Summarize at the end what each team member has agreed to do. Be sure to leave enough time for this.
12. Follow up after the meeting with a summary of who is doing what with due dates.
13. Ask for feedback on how to improve the next team meeting.
14. Ask if the team members are all meeting the elements of the team charter.

APPENDIX C

Questions for Each Team to Discuss for the Everest Simulation

Each of you will receive instructions from _____ about how to access the simulation.

You will need to spend 20-30 minutes on the Harvard Business School simulation website to learn about the simulation and your role in it.

THE FIRST GOAL OF THIS SIMULATION EXERCISE IS TO GIVE EACH TEAM MEMBER SOME EXPERIENCE WITH USING AN ELECTRONIC SIMULATION AS A CURRICULAR ENGAGEMENT THAT MIGHT BE EFFECTIVE WITH ETHICS AND COMPLIANCE TRAINING AND EDUCATION. NOTE THAT HARVARD BUSINESS SCHOOL HAS MANY SUCH CASE STUDIES AND SIMULATIONS.

THE SECOND GOAL OF THIS SIMULATION IS FOR EACH TEAM MEMBER TO LEARN SOMETHING ABOUT EFFECTIVE TEAMWORK SKILLS. **After** the team has done the simulation, the team leader is responsible to lead a team discussion of the following debrief questions:

- What were the two or three most difficult challenges the team ran into during the game?
- Was there any information that the team failed to share and consider that would have made a difference in the game?
- Where did communication and analysis fall apart, if at all?
- What did the team learn about making complex decisions (under conditions where time is short and the stakes are large) when information is distributed unevenly among the team members and team members have partially conflicting individual goals? Wouldn't this often be true in real life?
- Does the team leader feel that he or she had the right information-sharing and decision-making process in place for this type of team challenge?
- If your team was faced with an actual crisis with large stakes in real time, would it make a difference that your team had practiced making decisions in advance in simulations and other smaller stakes real-life challenges? Would it help to know each other's strengths and weaknesses?
- At the end of this memo is a list of the key competencies needed for effective teams. Did the simulation help develop any of them?

- What are the one or two major “lessons learned” for the team from this teamwork simulation? Please also share with the team any unique “lessons learned” for you as the team leader.

APPENDIX D

“Hotwash” Feedback from Other Teams Observing a Presentation by a Team

**Feedback for Team Number ____ and
Team Leader _____**

1. Was the learning outcome clear?

2. Did the curriculum including the teaching methods help the student achieve the learning outcome?

3. What was the most effective aspect of the presentation?

4. What is your major suggestion to help the team members and team leader take their presentation skills to the next level? Be specific.

APPENDIX E

Team Assessment of Team Leader's Effectiveness**Name of Team Leader** _____.**Team Number** _____.**[To be filled out by members of project team to evaluate project leader]**What **specific** changes in the team leader's approach would help the team leader take his or her leadership skills to the next level?

	Novice Learner	Advanced Beginner	Intermediate Learner	Competent Learner	Exceptional Learner	Insufficient Information
Communicated Clear Positive Purpose and Goal						
Engaged in Active Listening and Acknowledged Others' Viewpoints						
Learned Strengths, Goals, Concerns of Each Team Member						
Positioned Each Team Member for Best Performance						
Fostered Development of Each Team Member						
Created Psychological Safety for All to Participate Including Roughly Equal Conversational Turn Taking and Elicited Diverse Ideas						
Managed Team Time Well Including Effective Discussions and Communication and Clear Delegation						

APPENDIX F

360-Degree Assessment for Team Projects

A 360-degree Assessment is a method of systematically collecting opinions about an individual's performance from the entire circle of people who interact with the individual. The benefit of collecting data of this kind is that the person sees the entire 360-degree range of perceptions rather than just self-perception.¹⁰² This feedback and your reflection on it will improve your performance on teams and in relationships with others in general including how to present yourself appropriately and create the impression you want, increase your understanding of others, increase your ability to communicate effectively and influence others, and develop the lifetime habit of seeking feedback in order to mitigate self-deception and maximize your growth.¹⁰³

First, use the attached questionnaire to rate yourself. This self-assessment will be used as a baseline by which you can compare the ratings you get back from others.

Second, the instructors will distribute the questionnaire to members of your team. Responses will remain anonymous. The instructors will give you a summary of the responses from your team.

Upon receiving the results, take note of your strengths and weaknesses and pay special attention and reflect on areas where the responses differ from your self-assessment. As employers move to structured behavioral interviewing, they will ask for stories about experiences where you received an assessment on a competency like teamwork and reflected on the feedback, and moved to a new level at that competency. So this 360-degree assessment exercise becomes one of your stories. Remember that continuing to internalize this habit of actively seeking feedback, dialogue, and reflection (FDR) will help you become a more effective team member and team leader.

102. 360 Assessments, CTR. FOR CREATIVE LEADERSHIP (2012), <http://www.ccl.org/leadership/assessments/assessment360.aspx> (describing technological instruments that enable this practice).

103. DAVID W. JOHNSON, REACHING OUT: INTERPERSONAL EFFECTIVENESS AND SELF-ACTUALIZATION 52-53 (9th ed. 2006).

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| of team's overall product | 1 2 3 4 5 6 |
| 7. Pro-actively helps other team members to complete their tasks | 1 2 3 4 5 6 |
| Communicates effectively: | |
| 8. Is mentally present during meetings | 1 2 3 4 5 6 |
| 9. Communicates clearly and effectively | 1 2 3 4 5 6 |
| 10. Provides updates on progress of the work | 1 2 3 4 5 6 |
| Facilitates the contributions of team members: | |
| 11. Demonstrates active listening – tries hard to understand | 1 2 3 4 5 6 |
| 12. Is open-minded | 1 2 3 4 5 6 |
| 13. Participates actively in team discussions | 1 2 3 4 5 6 |
| 14. Fosters roughly equal conversational turn-taking | 1 2 3 4 5 6 |
| 15. Appropriately gives credit to other team members | 1 2 3 4 5 6 |
| Fosters a constructive team climate: | |
| 16. Initiates and maintains respectful relationships and communication | 1 2 3 4 5 6 |
| 17. Encourages cooperation and collaboration within the team | 1 2 3 4 5 6 |
| 18. Engages in respectful candor (including feedback to team members) | 1 2 3 4 5 6 |
| 19. Actively seeks feedback from the team | 1 2 3 4 5 6 |
| 20. Is receptive to feedback | 1 2 3 4 5 6 |
| 21. Acknowledges when he or she is wrong or could do better | 1 2 3 4 5 6 |
| Responds to conflict: | |
| 22. Deals effectively and maturely with interpersonal conflicts | 1 2 3 4 5 6 |
| 23. Contributes to creatively solving the problems the team encounters | 1 2 3 4 5 6 |
| Is trustworthy: | |
| 24. Is trustworthy | 1 2 3 4 5 6 |
