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MOTIVATED TO COLLABORATE: A SELF-DETERMINATION FRAMEWORK TO IMPROVE GROUP-BASED LEARNING

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I INTRODUCTION

Before they enter practice, law students need to be able to work effectively in groups. This reality has been acknowledged by the universities and legal professional bodies.¹ The Threshold Learning Outcomes (TLOs) for the Australian Law degree stipulate, for instance, that law students must acquire and be able to demonstrate skills in collaboration and communication.² Meanwhile, a growing body of research is establishing the positive links between group work and a range of benefits, including achievement, critical thinking, problem-solving ability, creativity, wellbeing and satisfaction.³ Not

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¹ See, eg, Law Society of New South Wales, *Future of Law and Innovation in the Profession* (Report, 2017) 16 ('*FLIP Report*'), emphasizing the need for today's lawyers to work collaboratively with clients, including across disciplines. See also 'What Essential Skills will Lawyers Need to Succeed in the Future Legal Market', *College of Law* (Web Page, 8 May 2014) <<https://www.collaw.edu.au/news/2016/11/15/what-essential-skills-will-lawyers-need-to-succeed-in-the-future-legal-market>> ('What Essential Skills will Lawyers Need'); Australian Qualifications Framework Council, *Australian Qualifications Framework* (Australian Qualifications Framework Council, 2nd ed, 2013), 48.

² Australian Learning and Teaching Council, endorsed by the Council of Australian Law Deans, *Juris Doctor Threshold Learning Outcomes* (March 2012) 14 <[http://disciplinestandards.pbworks.com/w/file/attach/57628366/JD%20TLOs%20\(March%202012\).pdf](http://disciplinestandards.pbworks.com/w/file/attach/57628366/JD%20TLOs%20(March%202012).pdf)>; Australian Learning and Teaching Council, *Bachelor of Laws: Learning and Teaching Academic Standards Statement December 2010* (Report, December 2010) 10 <<https://cald.asn.au/wp-content/uploads/2017/11/Threshold-Learning-Outcomes-LLB>>.

³ See, eg, Kate Lewins, 'The Groupwork Experience in Civil Procedure' (2006) 13(1) *Murdoch University Electronic Journal of Law* 225; Adiva Sifris and

only does group work enhance a student's experience and individual performance,⁴ it also equips them with critical practice skills.⁵ Despite this, law students typically dislike and resist group work,⁶ which means they may not be achieving important professional competencies.

Nevertheless, to force students into group learning would seem counterproductive. As we examine in this paper, students' aversion to group work likely signals low intrinsic motivation – where intrinsic motivation means doing something because it is in itself enjoyable or optimally challenging;⁷ and where extrinsic motivation, by contrast, means doing something because it leads to or avoids a separate outcome.⁸ Making group work assessable as the primary way to induce student collaboration, or otherwise simply mandating it, means participation rests on external rewards and punishments. Extrinsic teaching approaches usually result in less effective learning.⁹ We argue in this paper that when designing group work, it is essential to consider and apply theories of learning motivation. This article asks the following: *How can we increase the likelihood that law students positively engage in collaborative learning?*

To address this, the article draws on a theory of motivation, Self-Determination Theory ('SDT'),¹⁰ to propose a framework and set of strategies for effective group-based learning in legal education.

Elspeth McNeil, 'Small Group Learning in Real Property Law' (2002) 12 *Legal Education Review* 189; Julian Laurens, Alex Steel and Anna Huggins, 'Works Well with Others: Examining the Different Types of Small Group Learning Approaches and Their Implications for Law Student Learning Outcomes' (2013) *Journal of the Australasian Law Teachers Association* 1 ('Works Well with Others'); Alex Steel, Anna Huggins and Julian Laurens 'Valuable learning, unwelcome assessment: what LLB and JD students really think about group work' (2014) 36 *Sydney Law Review* 292, 297–8 ('Valuable learning').
295; Melody Alexander, 'Team-Building Skills: Value-Added Education' in Heidi Perreault (ed), *Classroom Strategies: The Methodology of Business Education* (National Business Education Association, 1996).

⁴ Michael Prince, 'Does Active Learning Work? A Review of the Research' (2004) *Journal of Engineering Education* 223, 227.

⁵ Law Society of New South Wales, *FLIP Report* (n 1).

⁶ Steel, Huggins and Laurens, 'Valuable Learning' (n 3) 292, 305: in a 2014 study of UNSW Law students' attitudes, highlighted students' dissatisfaction with group work and found that that dissatisfaction increased as the degree progressed. See also Massimiliano Tani and Prue Vines, 'Law students' attitudes to education: Pointers to depression in the legal academy and the profession' (2009) 19 *Legal Education Review* 3.

⁷ Richard Ryan and Edward Deci, 'Self-Determination Theory and the Facilitation of Intrinsic Motivation, Social Development, and Well-Being' (2000) 55(1) *American Psychologist* 68, 70 ('Self-Determination Theory').

⁸ Kuan-Chung Chen and Syh-Jong Jang 'Motivation in online learning: Testing a model of self-determination theory' (2010) 26(4) *Computers in Human Behavior* 741, 742.

⁹ *Ibid.*

¹⁰ See for example, Ryan and Deci, n 7; Edward Deci and Richard Ryan (eds), *Handbook of Self-Determination Theory* (University of Rochester Press, 2002); Edward Deci and Richard Ryan, 'The "What" and "Why" of Goal Pursuits: Human Needs and the Self-Determination of Behavior' (2000) 11(4) *Psychological Inquiry* 227 ('The "What" and "Why"').

Pintrick and Schunk describe SDT as ‘one of the most comprehensive and empirically supported theories of motivation available today.’¹¹ It has been used in other legal educational areas, including curriculum design and assessment,¹² and ethics and wellbeing.¹³ However, we consider it especially useful for group-based learning. The article adds to the small but growing legal education scholarship on teamwork, and makes distinct contributions in its motivational theory dimension, setting up an SDT framework designed to promote collaborative learning.

The article is structured as follows: Part II introduces the central concepts of SDT to interpret student resistance to group work; it is only when there is such an understanding that solutions and a framework may emerge. Part III sets up the SDT group-learning framework, designed to support high motivation among students as group members. The sequence of strategies reflects the stages of group activity and development in practice: establishing the meaning and legitimacy of the activity (useful for advocating to fellow teachers as well as students); forming groups; sustaining teamwork; and reflective and feedback processes to support group arrangements, including when they come to an end. The paper has a special focus on blended approaches, in which online elements consolidate the face-to-face learning. Part IV concludes by providing a comprehensive framework for legal educators to use as a ‘ready reckoner’ before starting out and/or to evaluate their approaches to group-based learning.

II SDT AS A DIAGNOSTIC FOR STUDENT RESISTANCE

Martin and Briggs define motivation as a ‘hypothetical construct that broadly refers to those internal and external conditions that influence the arousal, direction, and maintenance of behaviour’.¹⁴ Many studies have revealed the significance of motivation, or the

¹¹ Paul R Pintrick and Dale H Schunk, *Motivation in education: Theory, Research, and Applications* (Merrill Prentice-Hall International, 2nd ed, 2002) 257. See also Leah Wortham, Catherine Klein and Beryl Blaustone, ‘Autonomy-Mastery-Purpose: Structuring Clinical Courses to Enhance These Critical Educational Goals’ (2012) 18 *International Law Journal of Clinical Legal Education* 105.

¹² Anna Huggins ‘Autonomy Supportive Curriculum Design: A Salient Factor in Promoting Law Students’ Wellbeing’ (2012) 35(3) *University of New South Wales Law Journal* 683.

¹³ Stephen Tang and Anneka Ferguson ‘The possibility of wellbeing: Preliminary results from surveys of Australian professional legal education students’ (2014) 14 *Queensland University of Technology Law Review* 27. For a study of how lack of support for basic drivers in law degree has a corrosive effect on motivation, ethical values and wellbeing, see Kennon Sheldon and Lawrence Krieger, ‘Understanding the Negative Effects of Legal Education on Law Students: A Longitudinal Test of Self-Determination Theory’ (2007) 33 *Personality and Social Psychology Bulletin* 883–97.

¹⁴ Barbara L Martin and Leslie J Briggs, *The Affective and Cognitive Domains: Integration for Instruction and Research* (Educational Technology Publications, 1986) 201.

impetus to do something,¹⁵ for ‘whether learners persist in a course of study, their level of engagement, the quality of work produced, and the level of achievement’.¹⁶ The more motivated a student, the better their performance.¹⁷ Strategies to motivate law students who typically dislike group work are therefore critical.¹⁸ However, in the learning context, motivation is complex and situation-dependent, influenced by many factors including teaching design, assessment practices and the social context.¹⁹ SDT helps us understand the range of factors at play and the dynamics of motivation, including in group learning.

A A Self-Determination Theory

Self-Determination Theory was initially developed by psychologist-scholars Deci and Ryan²⁰ and has since been applied, expanded and clarified by scholars around the world.²¹ In a range of educational settings, including legal education, self-determined learning has been shown to enhance performance, persistence and course satisfaction.²² SDT focuses on analysing the ‘inherent growth tendencies and innate psychological needs’ that form the foundation of a person’s self-motivation.²³ These needs relate to autonomy (sense of control and authenticity), competence (feelings of mastery over tasks and activities), and relatedness (feeling included or affiliated

¹⁵ See, eg, Paul Pintrich, ‘The Role of Motivation in Promoting and Sustaining Self-Regulated Learning’ (1999) 31(6) *International Journal of Educational Research* 459; Paula Manning, ‘Understanding the Impact of Inadequate Feedback: A Means to Reduce Law Student Psychological Distress, Increase Motivation and Improve Learning Outcomes’ (2013) 43 *Cumberland Law Review* 225; Marina Nehme, ‘E-Learning and Students’ Motivation’ (2010) 20 *Legal Education Review* 223.

¹⁶ Maggie Hartnett, *Motivation in Online Education* (Springer, 2016) 15. On persistence, see, eg, Robert J Vallerand and R Bissonnette, ‘Intrinsic, extrinsic, and amotivational styles as predictors of behavior: A prospective study’ (1992) 60 *Journal of Personality* 599. On achievement, see, eg, Allan Wigfield and Jacquelynn Eccles, ‘Expectancy – Value Theory of Achievement Motivation’ (2000) 25 *Contemporary Educational Psychology* 68, 70; Jere E. Brophy, *Motivating Students to Learn* (Routledge, 2013).

¹⁷ Rebecca Oxford and Jill Shearin, ‘Language Learning Motivation: Expanding the Theoretical Framework’ (1994) 78(1) *The Modern Language Journal* 12, 12.

¹⁸ Steel, Huggins and Laurens, ‘Valuable Learning’ (n 3) 292.

¹⁹ See, eg, Maggie Hartnett, Alison St George and Jon Dron, ‘Examining Motivation in Online Distance Learning Environments: Complex Multifaceted and Situation-Dependent’ (2011) 12(6) *The International Review of Research in Open and Distributed Learning* 20.

²⁰ Deci and Ryan, ‘The “What” and “Why”’ (n 10).

²¹ Hartnett (n 16) 20.

²² Edward Deci and Richard Ryan, ‘Facilitating Optimal Motivation and Psychological Well-being Across Life’s Domains’ (2008) 49 *Canadian Psychology/Psychologie Canadienne* 14; Martine Robinson Beachboard et al, ‘Cohorts and Relatedness: Self-Determination Theory as an Explanation of How Learning Communities Affect Educational Outcomes’ (2011) 52 *Research in Higher Education* 853; Huggins (n 11). Sheldon and Krieger (n 13) is a converse example.

²³ Ryan and Deci, ‘Self-Determination Theory’ (n 7) 68.

with others). SDT also considers the conditions that are likely to enhance this motivation.²⁴ It posits that when the learning environment promotes these individual basic needs, the student is more likely to be intrinsically motivated to learn. This is because in SDT-supportive environments, individuals are able to experience greater wellbeing and more autonomous and sustained motivation to learn.

SDT also proposes that motivation varies along a continuum from intrinsic motivation (doing something because it is enjoyable, optimally challenging or aesthetically pleasing), to extrinsic motivation (doing something because, as mentioned, it leads to or avoids a separate outcome) and amotivation (the state of lacking an intention to act).²⁵ Since extrinsic motivation is associated with 'surface learning',²⁶ reflective teachers tend to structure activities to appeal to intrinsic motivations. Such approaches, supporting intrinsic motivation, also correlate with students' lower anxiety, higher persistence, deeper engagement and often better performance.²⁷ However, intrinsic motivation does not provide the full picture of student learning, nor is it the sole teaching objective. Indeed, in a 2016 study of online learning motivation, Hartnett, following others in the field, argued for the need to move away from an exclusive focus on intrinsic motivation.²⁸ Extrinsic factors play an equally prominent, co-existing role in students' motivation to learn, even in environments that support students' intrinsic motivations.²⁹

Extrinsic motivation itself can be classified into four categories with varying degrees and types of regulation (or external control): from external regulation (compliance, external rewards and punishments), to introjected regulation (self-control, ego-involvement, internal rewards and punishments), to identified regulation (personal importance, conscious valuing), to integrated regulation (congruence, awareness, synthesis with self).³⁰ Figure 1 below illustrates the 'self-determination continuum' from amotivation to intrinsic motivation. It includes the four levels of extrinsic motivation described above – and, as Hartnett's research shows, these are not always in conflict:

²⁴ Ibid.

²⁵ Chen and Jang (n 8) 742.

²⁶ Surface learning refers to temporary learning. The student is concerned with memorising and reproducing content rather than mastering the content: Eira Williams, 'Student Attitudes Towards Approaches to Learning and Assessment' (1992) 17(1) *Assessment and Evaluation in Higher Education* 45, 45.

²⁷ Ryan and Deci, 'Self-Determination Theory' (n 7) 73; Maarten Vansteenkiste, Willy Lens and Edward L Deci, 'Intrinsic versus extrinsic goal contents in self-determination theory: Another look at the quality of academic motivation' (2006) 41(1) *Educational Psychologist* 19.

²⁸ Hartnett (n 16) 127.

²⁹ Ibid 80–1.

³⁰ Ryan and Deci, 'Self-Determination Theory' (n 7), 72.

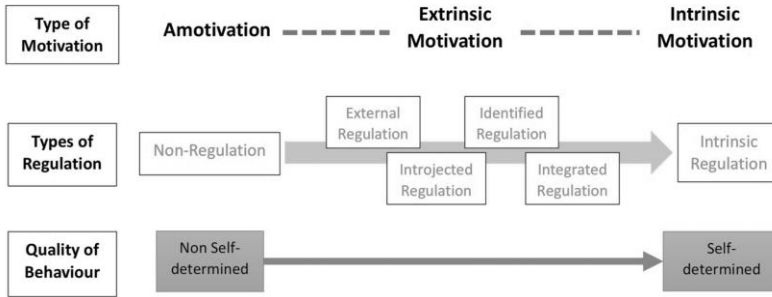


Figure 1
The Self Determination Continuum³¹

All these motivations (extrinsic and intrinsic) may act as drivers for participation in learning, and often to desirable effect. For instance, identified regulation and integrated regulation can result in deeper learning.³² There, learners are not simply focused on compliance; they value an activity because of its use for another purpose or interest they have.³³ In Hartnett’s study, for example, students were often motivated by ‘identified regulation’ extrinsic motivations, or ‘value, meaning and relevance’, more than by intrinsic motivation, ‘the inherent interest and enjoyment they derived’.³⁴ While attending to situational interest and importance, they were also influenced by wider external controls.³⁵

With this range of motivations in mind, and as Brophy has previously singled out, the focus should be, then, on ‘*motivation to learn*’: emphasis is placed less on personal meaning, pleasure and excitement and more on the situational or ‘the meaning, relevance and importance of what is being learnt.’³⁶ In the pursuit of making students more autonomous, competent and related learners, extrinsic as well as intrinsic motivations must be considered. These findings about the need to expect – and cater for – a range of motivations in the context of group work are at the centre of our SDT framework.

B Why Do Students Resist Group Work?

We now draw together claims and findings in the literature about the reasons for student apathy and illuminate them using SDT. These

³¹ Adapted from Richard Ryan and Edward Deci, ‘Overview of Self-Determination Theory: An Organismic Dialectical Perspective’ in Edward Deci and Richard Ryan (eds), *Handbook of Self-Determination Theory* (University of Rochester Press, 2002) 16.

³² Deep learning refers to learning with understanding and with the aim of mastering a subject: Williams (n 25) 45.

³³ Richard Ryan and Edward Deci, ‘Intrinsic and Extrinsic Motivations: Classic Definitions and New Directions’ (2000) 25(1) *Contemporary Educational Psychology* 54, 61.

³⁴ Hartnett (n 16) 80.

³⁵ Ibid 81.

³⁶ Brophy (n 16) 133.

reasons derive from a range of factors related to the wider learning context, personality and social issues, and students' low estimations of the value of group work.

1 Learning Context

a) Individualism and Competitiveness

As many studies have revealed, the law degree does not especially cultivate students' competence and confidence in relating to one another as peers, let alone as co-dependent group learners. Until now, collaboration has not been viewed as a core part of the degree, and is, at best, dipped in and out of within courses. This situation is partly because the profession's demand for team skills among law graduates is 'relatively recent'.³⁷

Moreover, collaborative learning challenges many structures and premises of the degree,³⁸ traditionally centred on legal thinking and doctrinal studies rather than the development of so-called 'soft skills' or interpersonal strengths.³⁹ The law degree is embedded within the legal profession's wider historical context of individual practice, individual rewards and individual accountability.⁴⁰ This background makes it harder for students to build, and to want to build, learning relationships with each other.

Adding to these drivers of individualism, compared to other university students, law students tend to start law degrees for extrinsic reasons, such as status and approval.⁴¹ External regulation, which, as mentioned, is correlated to surface learning, may be, then, the central driver for group activities. The law degree's intensive and onerous nature also complicates things, and it can be psychologically distressing for many students.⁴² This is problematic for many reasons,

³⁷ Janet Weinstein et al, 'Teaching Teamwork to Law Students' (2013) 63(1) *Journal of Legal Education* 36, 40.

³⁸ Clifford Zimmerman, "'Thinking Beyond My Own Interpretation": Reflections on Collaborative and Cooperative Learning Theory in the Law School Curriculum' (1999) 31 *Arizona State Law Journal* 957, 986.

³⁹ Kate Galloway and Peter Jones, 'Guarding Our Identities: The Dilemma of Transformation in the Legal Academy' (2014) 14(1) *Queensland University of Technology Law Review* 15, 17.

⁴⁰ Also, as Weinstein et al suggest, it goes against a wider social culture built on the cult of the individual: Weinstein et al (n 37) 46.

⁴¹ Massimiliano Tani and Prue Vines, 'Law Students' Attitudes to Education: Pointers to Depression in the Legal Academy and the Profession' (2009) 19 *Legal Education Review* 3.

⁴² There is extensive literature on the psychological distress of law students, including: Molly Townes O'Brien, Stephen Tang and Kath Hall, 'Changing Our Thinking: Empirical Research on Law Student Wellbeing, Thinking Styles and the Law Curriculum' (2011) 21 *Legal Education Review* 149; Rachael Field and James Duffy, 'Better to Light a Single Candle Than to Curse the Darkness: Promoting Law Student Well-Being Through a First Year Law Subject' (2012) 12 *Queensland University of Technology Law and Justice Journal* 133; Adele Bergin and Kenneth Pakenham, 'Law Student Stress: Relationships Between Academic Demands, Social Isolation, Career Pressure, Study/Life Imbalance and Adjustment Outcomes in Law Students' (2015) 22 *Psychiatry, Psychology and Law* 388. There is also evidence to suggest that pressures on students to perform highly in order to find jobs and

including, for our purpose, that co-operation and altruism, the attributes required for group work, are generally impeded when people are experiencing high stress.⁴³ As such, collaboration may not come ‘naturally’ in the law school environment and may not correspond with the typical motivation of learners.

b) Competence

This deficiency in group work training has a range of pedagogical implications given the essential roles mastery and competence play for the learner in effective learning. SDT has demonstrated that when students feel that they are incapable of producing a desired outcome, their commitment to tasks is diminished and amotivation sets in.⁴⁴ In a similar vein, ‘efficacy expectation’ has a direct impact on how students approach their studies:⁴⁵ the more capable students believe they are, the more likely they will persist with a learning activity.⁴⁶ Law students might feel they lack requisite group skills and/or theoretical (course content) understanding, both on show during group learning.⁴⁷ This self-evaluation adversely affects then their learning experience by inducing vulnerability, potential for social shame or ridicule, and an instinct to withdraw from the task.⁴⁸

c) Time Burden

SDT sees ‘autonomy’ or control over one’s learning – also potentially involving a sense of its authenticity – as playing an essential role in motivation to learn; some say the premier role.⁴⁹

secure those outward rewards are more keenly felt in the current, contracting legal job market: Melbourne Law School and Thomson Reuters, *Australia: State of the Legal Market* (Report, 2015)

<http://law.unimelb.edu.au/_data/assets/pdf_file/0006/1689153/2015AUReportFINAL1.pdf>; Marianna Papadakis, ‘Law Firms Shrink Partner Numbers as Clients Cut Back’ *Australian Financial Review* (online, 24 June 2016) <<http://www.afr.com/business/legal/law-firms-shrink-partner-numbers-as-clients-cut-back-20160620-gpnmvd>>.

⁴³ Jennifer K Robbenolt and Jean R Sternlight, ‘Behavioral Legal Ethics’ (2013) 45 *Arizona State Law Journal* 1140–1.

⁴⁴ Ryan and Deci, ‘Self-Determination Theory’ (n 7) 72.

⁴⁵ Bandura distinguished between efficacy expectation and outcome expectation. Efficacy expectation is ‘the conviction that one can successfully execute the behaviour required to produce the outcome.’ Outcome expectation is when a person estimate that some behaviour may lead to a certain outcome. The later has limited impact on motivation as even if the person believes that a particular action need to be taken to reach the outcome, if he/she has doubt on how to complete such outcome, their performance will negatively be impacted by such doubts as they have low self-efficacy: Albert Bandura, ‘Self-Efficacy Toward a Unifying Theory of Behavioral Change’ (1977) 84(2) *Psychological Review* 191, 193.

⁴⁶ Ibid.

⁴⁷ Allan Wigfield and Jacquelynne Eccles, ‘Expectancy – Value Theory of Achievement Motivation’ (2000) 25 *Contemporary Educational Psychology* 68, 70.

⁴⁸ Karin Forslund Frykedal and Marcus Samuelsson, ‘What’s In It For Me: A Study on Students’ Accommodation or Resistance During Group Work’ (2016) 60(5) *Scandinavian Journal of Educational Research* 500, 508.

⁴⁹ Christopher Niemiec and Richard Ryan, ‘Autonomy, Competence, and Relatedness in the Classroom: Applying Self-Determination Theory to

Group work might be perceived and experienced as impinging too much on this autonomy. For instance, students may resent having to be dependent on their peers' availability to meet to complete a group assessment. In the context of rising costs of living in Australia,⁵⁰ students may have work and/or have family or caring commitments: a UNSW study found that 45% of UNSW juris doctor ('JD', graduate student) respondents and 39% of undergraduate respondents had family responsibilities. The same study also noted that UNSW law students start paid work at a higher rate than national figures.⁵¹ As such, students might find it challenging or simply unreasonable to meet up with group members outside class-time, either in person or online.⁵²

2 Personality and Social Issues

Students might find group work unappealing because of previous negative experiences involving personality and social issues, or because these types of issues may be anticipated. In SDT terms, there is low expectation of successful 'relatedness', which in turn negatively impacts on motivation to learn.⁵³

The student and/or a group member may be a 'lone wolf' or a person who finds it hard to work with others,⁵⁴ whose preference is to 'work alone when making decisions and setting/accomplishing priorities and goals.'⁵⁵ Another potential student category is the 'poor driver': the over-bearing leader who cannot delegate and insists on doing all the work, without others' contributions.⁵⁶ A 2013 US study by Weinstein et al. found that law students recognised that they were,

Educational Practice' (2009) 7(2) *Theory and Research in Education* 133, 135; Huggins (n 12) 684.

⁵⁰ Gareth Hutchens, 'Australian Wages Growing More Slowly than Cost of Living' *The Guardian* (online, 17 May 2017) <<https://www.theguardian.com/business/2017/may/17/australian-wages-growing-more-slowly-than-cost-of-living>>.

⁵¹ Alex Steel and Anna Huggins, 'Law Student Lifestyle Pressures' in Rachael Field, Michael Duffy and Colin James (eds), *Promoting Law Student and Lawyer Well-being in Australia and Beyond* (Ashgate, 2016).

⁵² Steel, Huggins and Laurens, 'Valuable Learning' (n 3) 314.

⁵³ See, eg, Martine Robinson Beachboard, 'Cohorts and Relatedness: Self-Determination Theory as an Explanation of How Learning Communities Affect Educational Outcomes' (2011) 52(8) *Research in Higher Education* 853.

⁵⁴ 'International Student Numbers at Australian Universities' *Australian Education Network* (Web Page) <<http://www.australianuniversities.com.au/directory/international-student-numbers/>>; Julie Doyle, 'International Students Studying in Australia Reach Record Number, Education Department Figures Show' *ABC News* (online, 22 February 2017) <<http://www.abc.net.au/news/2017-02-22/record-number-of-international-students-in-australia-in-2016/8291284>>.

⁵⁵ Andrea Dixon, Jule Gassenheimer and Terri Feldman Barr, 'Identifying the Lone Wolf: A Team Perspective' (2003) 23 *Journal of Personal Selling and Sales Management* 114, 205.

⁵⁶ Debra Smarkusky et al, 'Enhancing Team Knowledge: Instruction vs. Experience' (2005) 37(1) *Special Interest Group on Computer Science Education Bulletin* 464, 464 <<https://dl.acm.org/citation.cfm?id=1047493>>.

in their own words, ‘control freaks’ and that this behaviour was not conducive to effective teamwork.⁵⁷ The authors also identified additional tendencies that inhibit teamwork, including fear of commitment, impatience and problematic listening skills.⁵⁸ These are also characteristics associated with low adaptation to change,⁵⁹ which is important since in the context of the students’ education, group learning represents significant change.

Perhaps the biggest threat to group relatedness is the presence of the ‘free-rider’ or ‘social loafer’, the person who does not fairly contribute to the group activities and assessments⁶⁰ and benefits from the work of other members.⁶¹ Uneven work distribution is likely to damage group cohesion and negatively influence future group work. While free-riding no doubt occurs, at the same time, we each have a natural tendency to overestimate our own contributions and more readily excuse and underplay the effects of our own behaviour on others.⁶² Indeed, anticipated negative experiences appear to influence perceptions as strongly as actual experiences. Weinstein et al.’s study found that students had difficulty trusting their teammates even though they had not had any previous experience with them.⁶³

Finally, differences in language ability within a group have the potential to make communication and shared work difficult even where all members are seeking to contribute equally. It may also lead to prejudice and discrimination towards members of the group,⁶⁴ especially when the group members are typically high achievers who may be concerned about others’ impact on their grades.⁶⁵ All the above personal and social dynamics directly impact on relatedness between the group members.

⁵⁷ Weinstein et al (n 37) 58.

⁵⁸ Ibid.

⁵⁹ Shaul Oreg, ‘Resistance to change: Developing an individual differences measure’ (2003) 88(4) *Journal of Applied Psychology* 680, 681–2.

⁶⁰ Ashley Simms and Tommy Nichols, ‘Social Loafing: A Review of the Literature’ (2014) 15(1) *Journal of Management Policy and Practice* 58.

⁶¹ Praveen Aggarwal and Connie O’Brien, ‘Social Loafing on Group Projects: Structural Antecedents and Effects on Student Satisfaction’ (2008) 30(3) *Journal of Marketing Education* 255.

⁶² Ronald A. Howard and Clinton D. Korver, *Ethics for the Real World* (2008, Harvard Business Press), 24–5; For the legal practice context: Robbennholt and Sternlight (n 43) 1138–40.

⁶³ Weinstein et al (n 37) 58–9.

⁶⁴ Students should be made aware of the prejudices they are bringing to the group, including with respect to how their members speak. If people with language barriers are ignored, their participation will simply decrease: James D Hunter, Jo Vickery and Robyn Smyth, ‘Enhancing Learning Outcomes through Group Work in an Internationalised Undergraduate Business Education Context’ (2010) 16(5) *Journal of Management and Organization* 700, 701.

⁶⁵ Jenny Lee, ‘International Student Experiences of Neo-Racism and Discrimination’ (2004) 44 *International Higher Education* 3, 4; Jenny Lee, ‘Engaging International Students’ in Stephen Quaye and Shaun Harper (eds), *Students Engagement in Higher Education: Theoretical Perspectives and Practical Approaches for Diverse Populations* (Routledge, 2nd ed, 2015) 109.

3 Low Legitimacy

Compounding the factors above, perceptions of low legitimacy of group work may also impact on students' motivation as they question its value, 'safety' and feasibility. Low legitimacy may then centre the motivation of learners in the sphere of external regulation (avoidance of penalties) and away from more in-depth engagement and mastery.

a) Validity

Even when personal and social dynamics are not problematic, all law students are sensitive to the professional relevance of their learning content and arrangements.⁶⁶ Students may have negative perceptions of group work because it does not seem like authentic preparation for practice.⁶⁷ Because of their work experience, JD (or graduate) students tend to be even more conscious of the mismatches between what is promised – here, a group experience to prepare for practice – and how a group in a university setting, whether online or not, in fact operates and is able to operate.⁶⁸

Curiously (and as a complicating factor), in a context in which we are attempting to foster essential features of autonomy and relatedness, this disparity may reflect the fact that teams in professional practice are most often hierarchical and operate through authority and sanction, rather than the desired egalitarian structures of classroom groups.⁶⁹ In other words, the law firms (and other workplaces) themselves would not appear to be succeeding in creating teams fostering positively-motivated, well-integrated team members. This disconnect may result in learner dissatisfaction with and disinterest in group work, in which case their motivations become more reliant on external demands, assessment 'rewards' and penalties for non-completion. In some senses and paradoxically, this approach might seem more 'authentic' to students. Having said that, legal work is becoming disaggregated and teams are slowly becoming more distributed, even across firms and professions, and less clear and controlled.⁷⁰ It seems tomorrow's law graduates will need to be equipped for teams closer to those in class than those they have worked in or imagine.

b) Accountability

Concerns about personality and social dynamics are issues attached to accountability. Highlighting the incongruence with practice too, there is often little accountability for wayward group

⁶⁶ Steel, Huggins and Laurens, 'Valuable Learning' (n 3) 308.

⁶⁷ Unlike in the group activity context, teams in professional practice are most often hierarchical and operate through authority and sanction, rather than the desired egalitarian structures of classroom groups: *Ibid.*

⁶⁸ *Ibid* 314.

⁶⁹ Weinstein et al point out that we do not in fact know much about the nature and practices of groups in legal workplaces: Weinstein et al, (n 37), 62.

⁷⁰ The Law Society of NSW's *FLIP Report* (n 1) makes clear that today's lawyers need to be willing to work collaboratively with cross-disciplinary teams.

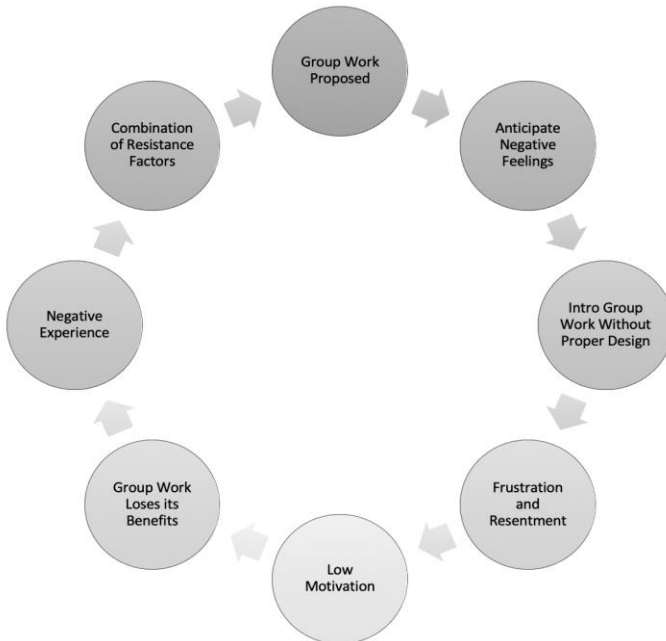
members in the classroom setting. Students do not have the resources of a senior lawyer-manager in regulating the behaviour of others. One student put it in direct terms:

‘In real workforce, I have options to negotiate with people, and then enforce penalties for continued poor performance. With over 10 years management experience, I roll my eyes whenever I hear a university state that it ‘helps prepare people for real work environments.’ In the work force, there is HR department and a proper management structure to deal with these issues. PLEASE, NO GROUP WORK.’⁷¹

Moreover, where ‘free-riding’ or any of the above problems leads to group conflict, students can be left without support from their fellow group members and, more importantly, their teachers. Such conflict creates discomfort for both students and teachers, as both parties tend to avoid active conflict-resolution.⁷² This is likely due in part to teachers viewing conflict-resolution as another time-consuming matter of ‘process’.⁷³ In addition, teachers are likely to possess different levels of confidence in managing interpersonal disputes.

4 Implications

All the factors discussed in this Part present significant impediments for instructors looking to furnish effective collaborative learning, as illustrated in Figure 2.



⁷¹ Student feedback cited in Steel, Huggins and Laurens, ‘Valuable Learning’ (n 3) 315.

⁷² Marie McKendall, ‘Teaching Groups to Become Teams’ (2000) 75(5) *Journal of Education for Business* 277, 279.

⁷³ Weinstein et al (n 37) 45–6.

Figure 2 Group Work's Vicious Cycle

To avoid or interrupt this negative cycle, a change in approach is needed. In the next Part, we posit that a framework should be established and implemented to allow students to be, and perceive themselves to be, autonomous; able to achieve the task and recognise their sense of growing competency; and committed to their group and their wider learning community.

III SDT FRAMEWORK FOR DESIGNING GROUP WORK

Where the environment is perceived to undermine basic psychological needs, learners' motivations are lower and more externally driven, and amotivation might result.⁷⁴ As we address in this Part, there is a need, then, to set up a framework that considers both intrinsic and extrinsic factors. In doing so, lecturers should acknowledge students' negative perceptions of group work.⁷⁵ They should establish task value by 'selling' group work at the outset, using existing empirical evidence outlined below, to support its rationale and to relate it to the students' interests and commitments. Where students do not have a choice in whether or not to engage in group work, these interventions are critical since, as we have shown, it represents a threat to autonomy and therefore their learning.

A *Catering to Diverse Motivations*

Having noted law students' general tendency toward extrinsic motivations, students in a classroom are likely to have varied and nuanced motivations for their learning, as highlighted in Figure 1. These motivations need to be catered for in the curriculum design, and then actively used to engage students.

1 Nurturing Intrinsic Motivations

Even in instances where students may be motivated to engage in group work for their own internal satisfaction, the lecturer still plays a critical role in enlivening this awareness in learners. Intrinsically motivated group work might involve:

- *Joy and positive wellbeing in connecting with others:* In theory, students should like group work as this experience supports an essential need for belonging that is innate in the motivation to learn.⁷⁶ However, as mentioned, they may need this to be

⁷⁴ Hartnett (n 16) 129.

⁷⁵ John Marshall Reeve, 'Self-Determination Theory Applied to Educational Settings' in Edward Deci and Richard Ryan, *Handbook of Self-Determination Research* (University of Rochester Press, 2002) 196.

⁷⁶ Will WK Ma and Allan HK Yuen 'Understanding online knowledge sharing: An interpersonal relationship perspective' (2011) 56(1) *Computers & Education* 210.

pointed out to them. For example, Weinstein et al.'s study found that law students ranked getting to know others as the primary benefit of group work, but they did not recognise this benefit when they first joined their groups.⁷⁷

- *Personal development and related sense of accomplishment in critical areas:* Group work can enhance the competence of learners; specifically, their self-awareness about personal behaviour,⁷⁸ communication,⁷⁹ problem solving,⁸⁰ critical thinking⁸¹ and innovation.⁸² Further, by implementing conflict resolution processes,⁸³ group work can improve emotional and social intelligence,⁸⁴ regarded as a central leadership attribute.⁸⁵
- *Pleasure and virtue in working towards a common goal:* There is enjoyment, even honour, in pursuing objectives in collaboration with others. This process can involve interconnection, collective mastery, responsibility and satisfaction, and personal transformation and empowerment.⁸⁶

2 Building on Identified Regulatory Motivations

As explained in Part II, self-determined extrinsic motivations are also significant.⁸⁷ The more a learner identifies with the value of a task the more they accept it volitionally, and the behaviour becomes part of their identity.⁸⁸ Accordingly, lecturers should explain to students how they might situationally benefit from group activity, by singling out a range of factors, including:

- *Effective learning and achievement:* It is well established that group work, as active learning, reinforces the process of

⁷⁷ Weinstein et al (n 37) 54. Australian students have also identified the social benefits of group work: Mary Keyes and Kylie Burns, 'Group Learning in Law' (2008) 17(1) *Griffith Law Review* 357, 373.

⁷⁸ Weinstein et al (n 37) 57–8.

⁷⁹ *Ibid* 57.

⁸⁰ Phillip E Duren and April Cherrington 'The effects of cooperative group work versus independent practice on the learning of some problem-solving strategies' (1992) 92(2) *School Science and Mathematics* 80.

⁸¹ Michael J McInerney and L Dee Fink 'Team-based learning enhances long-term retention and critical thinking in an undergraduate microbial physiology course' (2003) 4 *Microbiology Education* 3.

⁸² Bernard A Nijstad and Carsten KW De Dreu 'Creativity and group innovation' (2002) 51(3) *Applied Psychology* 400.

⁸³ Weinstein et al (n 37) 38.

⁸⁴ David Jaques and Gilly Salmon, *Learning in Groups: A Handbook for Face-to-Face and Online Environment* (Routledge, 4th ed, 2007) 21.

⁸⁵ Daniel Goleman, *Leadership: The Power of Emotional Intelligence* (More Than Sound, 2011).

⁸⁶ For a philosophical discussion of how communal engagements allow for personal transformation or the relational conception of selfhood, see, in relation to sports teams, Paul Gaffney 'The nature and meaning of teamwork' (2015) 42(1) *Journal of the Philosophy of Sport* 1.

⁸⁷ Hartnett (n 16).

⁸⁸ Deci and Ryan, 'The "What" and "Why"' (n 10) 236; Laurens, Steel and Huggins, 'Works Well with Others' (n 3), 6.

inquiry.⁸⁹ Group members can help each other by offering/seeking learning assistance, such as clarifying understanding and expectations,⁹⁰ and sharing ideas or giving suggestions.⁹¹ By sharing knowledge in groups, students are exposed to diverse ways of thinking that can challenge and nuance their perspectives⁹² and improve their practices.⁹³ The problem-solving capacity of groups for both small tasks and bigger projects that involve problem-solving are stronger than even the most talented members alone.⁹⁴ With certain caveats around ‘groupthink’, the ‘wisdom of the crowd’ literature, which advocates that groups make better decisions than individuals, can also be relied upon here.⁹⁵ Taken together, small group work promotes productivity and higher academic achievement.⁹⁶

- *Professional skills*: Group work can provide learners with vital insight into and training for legal practice⁹⁷ or indeed any professional pursuit.⁹⁸ Practitioners are expected to be civil and courteous with each other and with clients, witnesses, and non-lawyer colleagues.⁹⁹ Lawyers need to communicate as well as

⁸⁹ Laurens, Steel and Huggins, ‘Works Well with Others’ (n 3) 4.

⁹⁰ Ibid.

⁹¹ Ibid; Hartnett (n 16) 124.

⁹² Laurens, Steel and Huggins (n 3) 4.

⁹³ Keyes and Burns (n 77) 372.

⁹⁴ Jaques and Salmon (n 84) 213. For evidence to share with the class, see, eg, Dean X Parmelee and Larry K Michaelsen ‘Twelve tips for doing effective Team-Based Learning (TBL)’ (2010) 32 *Medical Teacher* 120.

⁹⁵ See, eg, James Surowiecki, *The Wisdom of Crowds* (Anchor Books, 2005).

⁹⁶ James Cooper et al, *Cooperative Learning and College Instruction: Effective Use of Student Learning Teams* (California State University, 1990) 1–5; David Dominguez, ‘Principle 2: Good Practice Encourages Cooperation Among Students’ (1999) 49 *Journal of Legal Education* 386, 387; John Magney, ‘Teamwork and the Need for Cooperative Learning’ (1996) 47 *Labor Law Journal* 564. Academic achievement was also the second factor the students in Jaques and Salmon’s study recognised as beneficial: Jaques and Salmon (n 84) 213. For benefits of (online) teamwork identified by students, see, eg, Hung-Wei Tseng and Hsin-Te Yeh ‘Team members’ perceptions of online teamwork learning experiences and building teamwork trust: A qualitative study’ (2013) 63 *Computers & Education* 4.

⁹⁷ Dominguez connects group work to public interest lawyering in particular: Dominguez (n 96) 394; Okamoto connects it to transactional lawyering: Karl S Okamoto ‘Teaching Transactional Lawyering’ (2009) 1 *Drexel Law Review* 69, 90–1.

⁹⁸ L Melita Prati, et al, ‘Emotional intelligence, leadership effectiveness, and team outcomes’ (2003) 11(1) *The International Journal of Organizational Analysis* 21.

⁹⁹ Rice points out the reality of lawyers’ work with others, and their typically limited understanding of those from different disciplines: Simon Rice, ‘What Does a social Justice Lawyer Need to Know’ (Research Paper No 17/70 2017, Sydney Law School, August 2017) Sydney Law School) 9–10. On the role of civility in the legal system, see, James J Spigelman, ‘Opening of the Law Term Dinner’ (Speech, Law Society of New South Wales, 30 January 2006) <http://www.supremecourt.justice.nsw.gov.au/Documents/Publications/Speeches/Pre-2015%20Speeches/Spigelman/spigelman_speeches_2006.pdf>.

resolve conflict in both face-to-face and online contexts.¹⁰⁰ Weinstein et al.'s law students understood themselves to have improved by the end of their course their skills in communication, time management, delegation and problem solving as a result of group work.¹⁰¹ The online context can be made use of here. A set of videos might showcase practitioners from divergent fields of practice explaining the importance of group skills and opportunities.¹⁰²

3 Other Extrinsic Motivations

For group work to effectively motivate students and achieve its learning goals, it relies on 'high collective efficacy' and community.¹⁰³ Accordingly, as much of the learning context as possible should be geared towards fostering intrinsic and internally regulated motivations, such as identified and integrated regulation, as outlined above. Nonetheless, students are learning in a wider context in which there are many external demands, pressures and constraints and individual marks are at a premium. A range of external regulatory motivations, including achievement of marks, social obligation and fear of lecturer intervention, must be addressed to support effective participation.

- *Accountability*: The lecturer should set up and explain to students the mechanisms of accountability for group members, especially 'free-riders'.¹⁰⁴ To promote accountability (as well as autonomy, discussed further below), students should be introduced to and assured of a sequence of interventions to deal with problematic students – from students' designed codes of conduct that set up strategies to deal with conflict that may arise within the group,¹⁰⁵ to the lecturer's involvement and, as discussed next, lower marks. This should be designed with the aim to improve the students' handling of difficult interpersonal situations.
- *Rewards/ Punishments*: External regulation, even with its limitations and risks as a primary driver of learning, will be at

¹⁰⁰ Law Society of NSW, *FLIP Report* (n 1) 15–6, 70; 'What Essential Skills will Lawyers Need', *College of Law* (n 1).

¹⁰¹ Weinstein et al (n 37) 57. In addition, group work provides students with an excellent opportunity to start networking at an early stage in their career. Lecturers can advise the students that most people learn about jobs from acquaintances rather than their close circle of friends: Harrison Barnes, 'The Importance of Networking and Your Legal Career', *Law Crossing* (Web Page) <<http://www.lawcrossing.com/article/900043181/The-Importance-of-Networking-and-Your-Legal-Career/>>.

¹⁰² As one lawyer said, 'One of the biggest mistakes of my life was not making more friends and getting closer with people in law school': Barnes (n 101).

¹⁰³ Hartnett (n 16) 131.

¹⁰⁴ Tim Roberts and Joanne McInerney, 'Seven Problems of Online Group Learning (and their Solutions)' (2007) 10(4) *Educational Technology and Society* 257, 261.

¹⁰⁵ This is discussed in Part III B 2 below.

play simply because of the wider structure of law degree assessments and grades. From the start, it is crucial for lecturers to explain how students' individual contributions to the group will be monitored and assessed to capture variability and fairly allocate marks that reflect personal effort. For instance, specific strategies may be set up in the course to evaluate online and classroom discussions and activities. This can, for example, take the form of self and peer evaluation and feedback.¹⁰⁶

B *Promoting Autonomy*

As mentioned, autonomy support has been identified as a critical factor in motivation and wellbeing.¹⁰⁷ A system should be in place to:

- Provide choice to students;
- When this is not possible, provide a meaningful rationale for why the learning arrangements or task is necessary;
- Consider the student point of view and the difficulty attached to the arrangement/task.¹⁰⁸

1 Meaningful Rationales and the Students' Point of View

A good starting point would be for lecturers to openly acknowledge, from the first class, the negative feelings students may have towards group work.¹⁰⁹ Depending on how a course is designed, a discussion on group-relevant attitudes and experiences can be done either online via survey or in class. Lecturers and students may then consider the rich, empirically-supported literature on the benefits of group work to provide a meaningful rationale for why this learning format has been chosen. This process might challenge attitudes at the important early stage of the course and/or reinforce any positive learning motivations.¹¹⁰

Another strategy to help students see group work and assessments as positive and achievable¹¹¹ is to draw on students from previous cohorts. Fostering this continuity maintains 'traces' of past cohorts and builds the discipline. Weinstein et al. suggest asking former students to come into class to talk about the ups and downs of the process and 'the great satisfaction that comes with the final [group] project'.¹¹² These students might also discuss project management and

¹⁰⁶ Stephen Harkins, 'Social Loafing and Group Evaluation' (1989) 56(6) *Journal of Personality and Social Psychology* 934.

¹⁰⁷ Leah Wortham, Catherine Klein and Beryl Blaustone, 'Autonomy-Mastery-Purpose: Structuring Clinical Courses To Enhance These Critical Educational Goals' (2012) 18 *International Law Journal of Clinical Legal Education* 105, 114.

¹⁰⁸ *Ibid* 114–5

¹⁰⁹ See n 74 and accompanying text.

¹¹⁰ Reeve (n 75) 196.

¹¹¹ Bandura (n 45) 50.

¹¹² Weinstein et al (n 37) 61.

conflict resolution strategies. It may be more practical, though less immediate and interactive, to provide this continuity in online video form. This strategy should also raise the students' 'efficacy expectation' by exposing them to others who have completed, and benefited from, group activities.¹¹³

2 Provide Choice to Students

One of the dangers of group work as a form of assessment is that students may feel that they have little choice, something that might be countered by providing a degree of flexibility. For example, groups may be allowed to choose their assessment topic. Further, each group might be provided with the authority to create of a code of conduct or 'team mandate', representing the group's vision, rules and 'sanctions'. Lecturers might provide each group with a variety of synchronous (face-to-face in class or voice/video-enabled online) and asynchronous (discussion boards, emails, forums, wikis, and blogs) group activities to provide further choice, including over how they use their time.

C Balancing Autonomy and Competence

Designing the groups themselves involves a series of considerations, including with respect to their composition and formation. Each of these components affects the learner's attainment of the basic psychological needs (autonomy, competence and relatedness). The first quandary regarding the composition of the group is whether the lecturer should allow students to self-select their group to promote their autonomy or opt for random or purposive assignment, which risks being overly controlling and impacting negatively on motivation to learn.

1 Self-Selection

Given the choice, students would likely select group members according to friendship, common interests and perceived affiliation, including via ethnicity, language, educational background, class and gender. This autonomy needs to be weighed against the downsides of group homogeneity. As educators, it is important to give students the opportunity to work with people from diverse backgrounds to challenge any prejudices and biases, conscious and otherwise, before they enter the profession.¹¹⁴ This commitment supports the core

¹¹³ Bandura (n 45) 197.

¹¹⁴ As well as being an inherently desirable from an educational perspective, the need to develop students' appreciations of diversity is also pragmatic. Discriminatory practices, apart from being illegal, are also often grounds for disciplinary sanction. The Law Society of NSW has also recently published a report on 'the business case' for diversity in the profession: Law Society of New South Wales, *Diversity and Inclusion in the Legal Profession: The Business Case* (Report, 2016) <<https://www.lawsociety.com.au/cs/groups/public/documents/internetcontent/1404321.pdf>>. For a source to help students explore their own and others'

values of a university and the legal profession whose codes of conduct now include express provisions against discrimination.¹¹⁵ Moreover, in the context of legal education, where the aim is to develop learners' abilities and tendencies to deliberate upon values and difficult concepts with others, students need to be prepared to do so with colleagues who are or seem different to them.

2 Random Selection

A random approach to group composition may result in diverse groups.¹¹⁶ However, as mentioned, students might perceive random assignment as loss of control over decision-making. Any resentment that results is likely to have a detrimental effect on their motivation and on the group dynamic, especially if members of the group do not have the combined skills (or 'competence') needed to complete the course tasks and develop well as a group.¹¹⁷

3 Purposive Selection

Another option is to purposefully design diverse groups based on mixes of certain demographic qualities as well as capabilities, experience and interests.¹¹⁸ While it is not possible to predict how students will work together since their success represents a convergence of needs and behaviours,¹¹⁹ as a general rule, diverse groups correlate to high interaction and high achievement.¹²⁰ Homogeneous groups are often victims of 'group think':¹²¹ their creativity, mental efficiency and moral judgment can be negatively influenced by in-group pressures and taken-for-granted ways of thinking.¹²² In fact, several studies have highlighted that diversity of

ethnic diversity: Jean Phinney, 'Understanding Ethnic Diversity: The Role of Ethnic Identity' (1996) 40(2) *American Behavioral Scientist* 143.

¹¹⁵ *Legal Profession Uniform Law Australian Solicitors' Conduct Rules 2015* (NSW) r 42; *Legal Profession Uniform Conduct (Barristers) Rules 2015* (NSW) r 123.

¹¹⁶ LR Hoffman and NRF Maier, 'Quality and Acceptance of Problem Solutions by Members of Homogeneous and Heterogeneous Groups' (1961) 62(2) *The Journal of Abnormal and Social Psychology* 401.

¹¹⁷ Maryellen Weimer, 'Better Group Work Experiences Begin with How the Groups are Formed' *The Teaching Professor Blog* (online, 31 July 2013) <<https://www.facultyfocus.com/articles/teaching-professor-blog/better-group-work-experiences-begin-with-how-the-groups-are-formed/>>. For a further discussion on the importance of group diversity, see: Sue V Rosser, 'Group Work in Science, Engineering, and Mathematics: Consequences of Ignoring Gender and Race' (1998) 46(3) *College Teaching* 82, 84; Dai-Yi Wang, Sunny Lin and Chuen-Tsai Sun, 'DIANA: A Computer-Supported Heterogeneous Grouping System for Teachers to Conduct Successful Small Learning Groups' (2007) 23(4) *Computer in Human Behavior* 1997.

¹¹⁸ Rosser (n 117) 84.

¹¹⁹ Jaques and Salmon (n 84) 26.

¹²⁰ *Ibid.*

¹²¹ Irving Janis, *Groupthink: Psychological Studies of Policy Decisions and Fiascoes* (Cengage Learning, 2nd ed, 1982).

¹²² To see how these dynamics work for lawyers in teams, see Justine Rogers, 'Since Lawyers Work in Teams, We Must Focus on Team Ethics' in Ron

thinking and capacities can enhance the group's problem-solving skills,¹²³ even beyond a group of homogenous high-achievers.¹²⁴ Improved problem solving then promotes individual development.¹²⁵ The rationale for the legal context is put well by Rice: lawyers work best in groups, especially with those from other disciplines who can broaden the analytical perspective beyond the purely legal.¹²⁶ This flexibility in thinking, in canvassing the range of issues, perspectives and interests, in relation to the law, is a core part of the lawyer's expertise in offering advice and solutions to the client,¹²⁷ who, again, may not be 'like' them.

To create diverse groups, online team-building tools such as Team Builder,¹²⁸ Grouper¹²⁹ and Drupal¹³⁰ are useful platforms. These programs enable lecturers to form groups, taking into consideration the elements outlined above: group size; the need for gender, racial, social, linguistic, and cognitive diversity; the need for a range of strengths and interests; and the desire for the students to appreciate that there is a range of attributes and skills needed for successful and satisfying completion of tasks. For this last, 'skills' function, the lecturer needs to have a good grasp of the difficulties that the group tasks will pose to students and the range of capacities and styles needed within a group to support its functioning. In effect, these online team-building tools ask students to assess their perceived self-efficacy in certain areas. The advantage of this approach from an SDT perspective is that when the group is formed, each member of the group will have a self-identified competency needed to complete the

Levy et al (eds) *New Directions for Law in Australia: Essays in Contemporary Law Reform* (ANU Press, 2017), 483.

¹²³ Margaret Lohman and Michael Finkelstein, 'Designing Groups in Problem-Based Learning to Promote Problem-Solving Skill and Self Directedness' (2000) 28 *Instructional Science* 291, 303.

¹²⁴ Scott Page, *Diversity and Complexity* (Princeton University Press, 2011); Lu Hong and Scott Page, 'Groups of Diverse Problem Solvers Can Outperform Groups of High-Ability Problem Solvers' (2004) 101(46) *Proceedings of National Academy of Sciences of the United States of America* 16385.

¹²⁵ Michelle Mclean et al, 'The Smaller Group in Problem-Based Learning: More than a Cognitive 'Learning' Experience for First-Year Medical Students in a Diverse Population' (2006) 28(4) *Medical Teacher* e94, e99.

¹²⁶ Rice (n 99) 9–10;

¹²⁷ Ibid. Weinstein and Morton say that 'collaborative intelligence' leads to more effective client outcomes: Janet Weinstein and Linda H. Morton, 'Collaboration and Teamwork' (Faculty Scholarship Paper 163, California Western School of Law, 2015) 2
<<http://scholarlycommons.law.cwsl.edu/fs/163>>.

¹²⁸ Jaswinder Singh, 'Create Teams Based on Questions Using Team Builder Activity Module', *Moodle World* (Web Page)
<<https://www.moodleworld.com/create-teams-based-on-questions-using-team-builder-activity-module/>>.

¹²⁹ 'Grouper Groups Management Toolkit', *Unicorn* (Web Page)
<<https://www.unicorn.net/opensource/grouper>>.

¹³⁰ 'Guidelines for Forming New Drupal Groups', *Drupal* (Web Page)
<<https://www.drupal.org/node/1949700>>.

group activities. This will raise the efficacy expectation of the group and support trust and perseverance.¹³¹

D *Building Competence and Relatedness in Learners*

As well as ensuring that steps are taken to maintain students' autonomy (including perceived autonomy), lecturers should ensure that competence and relatedness are built into and enhanced by students' group exercises.

1 Competence

To support students' sense of mastery – and positive relatedness, further detailed below – it is good practice to start with a few simple group discussion exercises to get students in the habit of sharing knowledge within the group and supporting one another. To maximise class time, these discussions can be set up online through 'sparks' of interesting, relevant and suitable course material. Usually supported by pre-reading, this is material that has enough controversy and complexity in it to promote the students' own exploration without the lecturer having to intervene too much.

a) *Problem-Based Learning*

These group discussions (and their 'sparks') then progress to involve and elicit higher learning skills (applying, evaluating and creating) and more intense forms of collaboration, as students become more familiar with any technology being used, the content, theories of group work and digital learning, and with each other. Several writers have shown that, to enhance motivation, these discussions should be framed around solving an 'authentic' problem. Some law courses have adopted a deliberate 'Problem-Based Learning' ('PBL') model.¹³² PBL is characterised by learning through professionally-relevant problems or 'trigger materials' in small groups, where the start of the learning is the problem, the same problem for each group. Rather than receiving any content instruction, the students in their groups conduct an initial, critical discussion about the issues raised in the problem that require further, individual study. All group members study the same set of learning issues during individual study. The group then reconvenes to discuss members' findings and to synthesise and apply what they have learned. This procedure has a corrective and confirmatory function for learners. Second to conceptual mastery,

¹³¹ Bandura (n 45) 50; Dale Schunk and Frank Pajares, 'The Development of Academic Self-Efficacy' in Allan Wigfield and Jacquelynn S. Eccles (eds), *Development of Achievement Motivation* (Academic Press, 2002) 16.

¹³² For further explanation and examples of the PBL method, see Barbara J Duch, Susan E Groh and Deborah E Allen, *The Power of Problem-Based Learning: a Practical "How To" for Teaching Undergraduate Courses in Any Discipline* (Stylus Publishing, 2001). See also the contents of the *Interdisciplinary Journal of Problem-Based Learning: Interdisciplinary Journal of Problem-Based Learning* (Web Page) <<http://docs.lib.purdue.edu/ijpbl/>>.

PBL is also committed to long-term attitudinal and behavioural change, including an awareness of multiple perspectives of issues and non-rational elements in decision-making, and how to handle ethical challenges.¹³³

b) Reflection and Feedback

Informal reflection and feedback should occur throughout the term to ensure that students are attaining the competencies needed to complete group tasks. Further, where there is a major collaborative project, setting interim milestones means students and their groups are more likely to build on their competency and relatedness by reflecting on their progress. Such a reflection may have a positive impact on their motivation.¹³⁴ Students also need direct comparative feedback on their group performance, for example through group quizzes.¹³⁵ In addition, it is important for students to be given formal reflection opportunities and feedback on their group attitudes and skills, with reference to formal rubrics. This affords students a clearer sense of 'where they are and what they have to do to improve'.¹³⁶ Students might be asked to submit via an online submission tool a private, individual reflection on their own contributions to the group's activities and/or collaborative project as well as to the group's 'positive interdependence'.¹³⁷ Conducting this mid-way through the term – or at the midpoint of the assessment lifespan, where this feedback would be useful for the assessment as well – 'tunes' the students into 'process' issues and gives them a chance to change direction.¹³⁸

The 'teacher presence' must not be lost in any reflection and feedback,¹³⁹ above all given students' potential sensitivity and lack of experience in this area. Indeed, especially where there are online components, reduced lecturer-input generally as the course progresses

¹³³ Anna Blackman 'The immediate feedback assessment technique (IF-AT): An innovative teaching technique for human resource management students' (2012) 20(2) *The Business Review, Cambridge* 59, 60.

¹³⁴ Paul Wellington, 'Multidisciplinary Student Teams Motivated by Industrial Experience' in Steve Brown, Sally Armstrong and Gail Thompson (eds), *Motivating Students* (Kogan Page, 1998), 154.

¹³⁵ Larry K. Michaelsen, Arletta Bauman Knight, and L. Dee Fink (eds) *Team-based Learning: A Transformative Use of Small Groups* (Greenwood, 2002), 104–8.

¹³⁶ Ryan Naylor et al, University of Melbourne, *Good Feedback Practices: Prompts and Guidelines for Reviewing and Enhancing Feedback for Students* (Guide, 2014) <http://melbourne-cshe.unimelb.edu.au/__data/assets/pdf_file/0008/1761164/Good_Feedback_Practices_2014.pdf> 3.

¹³⁷ Jaques and Salmon (n 84) 40.

¹³⁸ *Ibid* 238–9.

¹³⁹ 'Teacher presence' is the degree of the teacher's interaction with the students, their arrangement of the materials and facilitation of the learning activity or process of feedback. D Randy Garrison and Norman D Vaughan, *Blended Learning in Higher Education: Framework, Principles and Guidelines* (Wiley & Sons, 2011), D Randy Garrison and Norman D Vaughan, *Blended Learning in Higher Education: Framework, Principles and Guidelines* (Wiley & Sons, 2011), 25.

has been identified as lack of support for the competence¹⁴⁰ and relatedness¹⁴¹ needs of students. Regardless of whether students submit a self-reflection, lecturers should provide feedback to the individual as well as joint feedback to the groups (via, for instance, their group forum). Lecturers might offer to meet with groups as follow-up especially where interpersonal problems can be identified. As distinct from overly controlling and/or related to the student's personal qualities, feedback that is 'accurate [and] informational ... [and] focused on strategy use and competence development' most effectively supports student motivation.¹⁴² Feedback should be 'problem-oriented', not 'person-oriented', targeting 'behaviour rather than personal characteristics'.¹⁴³

2 Relatedness

Finally, merely putting students together and asking them to complete group activities will not automatically result in productive learning experiences;¹⁴⁴ the lecturer needs a structured approach to support students' relatedness, weighed against their need also for a certain degree of autonomy. This structured approach is vital in the formation stage of the group: as outlined previously, group formation is likely to elicit a range of anxieties among students, including concerns about being grouped with potential strangers, the nature of the assessment project, and their own and the others' abilities and contributions.¹⁴⁵

A good first task to promote relatedness is to ask each group to provide a definition of 'team'. This seemingly simple exercise requires students to reflect on something rather complex. Katzenbach and Smith's definition is useful as a comparator. It conveys essential themes of mutual dependence and responsibility, critical to relatedness and motivation to learn:

'A team is a small number of people with complementary skills, who are committed to a common purpose, set of performance goals and approach for which they hold themselves mutually accountable.'¹⁴⁶

This exercise may be a way of sharing with students some of the scholarship on group diversity, collaborative learning, the behavioural threats to it,¹⁴⁷ all central factors in group relatedness.

¹⁴⁰ Hartnett (n 16) 130.

¹⁴¹ Dilani Gedera, John Williams and Noeline Wright, 'Identifying factors influencing students' motivation and engagement in online courses' in Caroline Koh (ed) *Motivation, Leadership and Curriculum Design* (Springer, 2015) 20.

¹⁴² Tim Urdan and Julianne Turner, 'Competence Motivation in the Classroom', in Andrew Elliot and Carol Dweck (eds) *Handbook of Competence and Motivation* (Guilford Press, New York, 2005) 307.

¹⁴³ Deborah Rhode, 'Leadership in Law' (2017) 69 *Stanford Law Review* 1603, 1644.

¹⁴⁴ Weinstein et al (n 37) 41.

¹⁴⁵ Jaques and Salmon (n 84) 39.

¹⁴⁶ Jon Katzenbach and Douglas Smith, 'The Discipline of Teams' (1993) 71 *Harvard Business Review* 111, 112.

Moreover, different team-building exercises may be used.¹⁴⁸ These exercises facilitate the process of getting to know one another, finding common experiences and values,¹⁴⁹ and normalising the experience of discussing moral issues with each other.¹⁵⁰ Such personalised exercises also highlight the collective strengths and skills of the group members, a core part of positive interdependence and collective confidence.¹⁵¹ Through such experiences, the students' self-efficacy assessment, 'can I do the task?' shifts to 'can we do the task as a group?'.¹⁵²

At the same time, these early game activities allow students to define them-'selves' or their autonomous and authentic self-concepts and style. A smaller element within such an exercise could be to discuss their distinct attributes that served as the basis of group allocation, where they are purposefully designed. This 'self-lodging process'¹⁵³ is an important motivational characteristic of human conduct in groups. As Denzin observed, 'if valued portions of self are not lodged, recognized and reciprocated [within a group], a dissatisfaction concerning the encounter is likely to be sensed.'¹⁵⁴ Jaques and Salmon point out the paradox in that to submit to a team, each member must be assured of their own individuality first.¹⁵⁵ This is an example of the tension, perhaps inherent, between autonomy and relatedness, one that runs throughout group-based learning.

Students should also formally consider how to deal with conflict when and if it arises, including discussing acceptable dispute resolution processes and whether someone within the group might act as mediator should major conflict arise. One particular source of conflict might be a group member going 'missing in action' ('MIA'). In this context, it is important to remind students not to assume the worst motivations of someone who is MIA. This exercise can be extended as a self-management reflection activity, by asking how, as

¹⁴⁷ Susan Bryant, 'Collaboration in Law Practice: A Satisfying and Productive Process for a Diverse Profession' (1993) 17 *Vermont Law Review* 459, 486.

¹⁴⁸ See, eg, 'Connecting Stories', a 'fun team-building activity and get-to-know-you-game' for small groups: 'Connecting Stories', *Icebreakers.ws* (Web Page) <<https://www.icebreakers.ws/small-group/connecting-stories.html>>.

¹⁴⁹ Ibid. For other games, see Adele Lynn, *Quick Emotional Intelligence Activities for Busy Managers* (Amacom, 2007) 43, 44.

¹⁵⁰ The notion of 'normalising' ethics (ethical problems, ethical conflict and ethical discussion) is central to the 'Giving Voice to Values' curriculum devised by Professor Mary Gentile: see, eg, IBIS Initiatives, 'Giving Voice to Values', *University of Virginia Darden School of Business* (Web Page) <<https://www.darden.virginia.edu/ibis/initiatives/gvv>>.

¹⁵¹ Laura Ritchie, *Fostering Self-Efficacy in Higher Education Students* (Palgrave Teaching & Learning, 2015) 119.

¹⁵² Bandura (n 45) 50.

¹⁵³ According to Denzin, 'Human return to those interactional quarters where the most basic features of their selves have been lodged': Norman Denzin, 'Symbolic Interactionism and Ethnomethodology: A Proposed Synthesis' (1969) 34(6) *American Sociological Review* 922, 923.

¹⁵⁴ Jaques and Salmon (n 84) 39.

¹⁵⁵ Ibid.

future lawyers, they might address the situation of a non-responsive client or colleague.¹⁵⁶

In this process, each group might reflect on their members' personal driving values such as a sense of responsibility, courtesy, tolerance and freedom of expression, that will then be used as aspirational values for the above mentioned 'team mandate'.¹⁵⁷ For instance, each group might be asked to agree on five values and five rules from among those suggested and those raised by a wider class discussion as their group's code.¹⁵⁸ This discussion can take place face-to-face or online or can start in one learning context and be consolidated in the other. Such activities will help develop students' sense of ownership over, and safety in, group learning.

IV CONCLUSION

As a composite of important graduate skills, collaborative group work is now an expected part of legal education. The strategies put forward in this paper are designed to make group work invigorating, highly enjoyable and productive. Learning in groups can transform the quality of student learning experiences by harnessing the natural desire of learners to form and maintain social bonds¹⁵⁹ and by maximising the special capacities of teams. The gold standard here is students in well-formed groups, who are accountable to each other and engaged in classroom and online work that supports both content knowledge and the groups' development through frequent, timely and multiple forms of feedback.¹⁶⁰ This paper has laid out a comprehensive approach to: setting up and accomplishing a successful group work design, devised to bolster the learners' basic needs of autonomy, competence and relatedness; minimising any resentment towards group work; and appealing to, and fostering, a range of learning motivations. This framework is depicted in Figure 3.

¹⁵⁶ Parish offers a set of 'MIA' rules and guidelines for students to use in his chapter on blended learning: Ken Parish, 'Flexible, Blended and Intensive Learning in Law' in Sally Kift et al (eds) *Excellence and Innovation in Legal Education* (2011, LexisNexis) 452–3, 456.

¹⁵⁷ Jaques and Salmon (n 84) 29.

¹⁵⁸ Susan Dana, 'Implementing Team-Based Learning in an Introduction to Law Course' (2007) *Journal of Legal Studies Education* 59, 68–9.

¹⁵⁹ Ma and Yuen (n 76) 217–8.

¹⁶⁰ Adapted from the Team-Based Learning approach: see Michaelsen, Bauman Knight, and Fink (n 135).

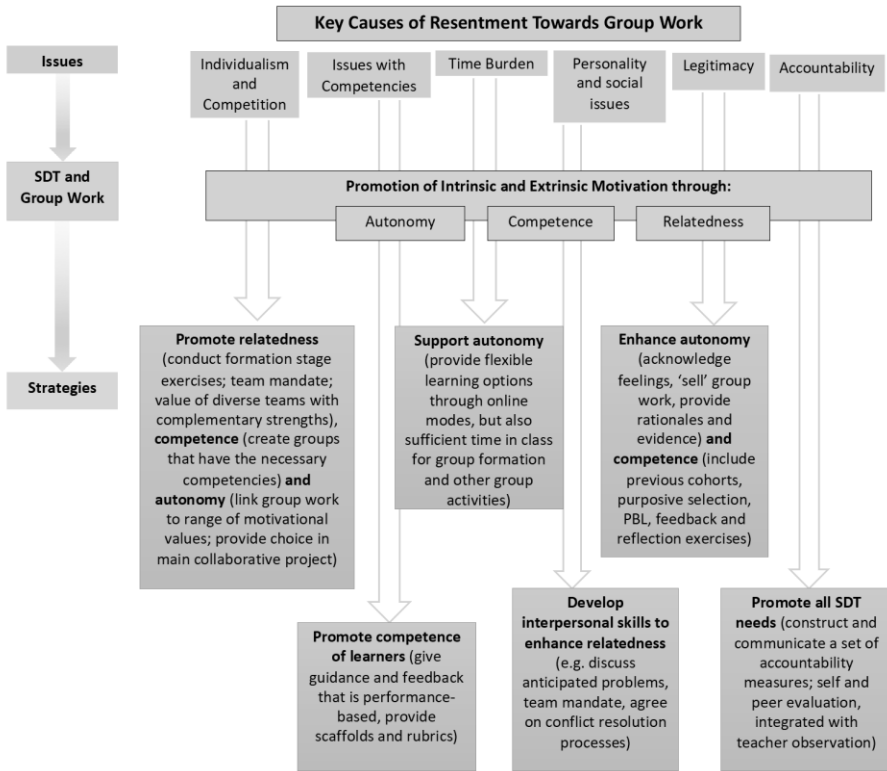


Figure 3: SDT Framework and Group Work

This framework warrants further research and discussion, to further support the steady transformation in legal education from resentment towards group-based learning to collaboration in its fullest and most satisfying forms. The next stage of this project is to formally test this framework in a law course; to assess whether and how group work motivations, attitudes, and performance have improved as a result of its implementation.