PROFESSIONAL LEARNING COMMUNITIES AND COLLABORATIVE TEAMS:
TOOLS TO JUMP-START THE LEARNING OUTCOMES ASSESSMENT PROCESS

By Sharon K. Sandeen

ABSTRACT

If all goes according to plan, the American Bar Association will soon change its standards for the accreditation of law schools to include a requirement that all law schools implement both course-level and program-level learning outcomes assessment (LOA) processes. When this happens, there will be a rush among law school administrators and faculty to understand and implement LOA theory and practice. However, as those who have already embraced LOA know, it takes time (often years) to implement a fully-functioning LOA process. This is not due to the radical or ill-conceived nature of LOA theory, since LOA is neither radical nor ill-conceived. Rather, it is by design. The underlying purpose of LOA is to create an educational environment that is focused on learning rather than teaching: one that cares more about student outcomes than institutional inputs. To accomplish this purpose requires the creation and flourishing of a professional learning community; i.e., “[e]ducators committed to working collaboratively in ongoing processes of collective inquiry and action research to achieve better results for the students they serve.”

This article explains how the development of a professional learning community within a law school can be facilitated through the use of collaborative teams. It begins in Section I with a discussion of the purpose and value of LOA, particularly with respect to law schools. In Section II, it provides a brief summary of LOA practices, including a discussion of formative and summative assessments and the feedback-loop that is a central feature of LOA. Section III then describes some of the practical challenges of implementing LOA processes. Building upon the discussion of the theory, practice, and struggles of LOA, Section IV examines the meaning and purpose of a PLC and how PLC processes can be used to plan for and implement LOA. The article concludes with a summary of the key features of collaborative teams. As readers will learn, the development of a professional learning community within a law school can be jump-started if interested stakeholders – including faculty, staff, administrators, alumni and students – regularly share ideas and information within the structure of collaborative teams.

* Sharon K. Sandeen is a Professor of Law at Hamline University School of Law where she has taught for ten years. Prior to joining the Hamline law faculty, she served from 1996-2001 as an Adjunct Professor and Lecturer in Law at the University of the Pacific, McGeorge School of Law. Since 2007, she has led HUSL’s learning outcomes assessment efforts, both as a founding member of Hamline University’s Committee on Learning Outcomes Assessment and as the Chairperson of HUSL’s Teaching & Learning Committee from 2010-2012.
PROFESSIONAL LEARNING COMMUNITIES AND COLLABORATIVE TEAMS: 
TOOLS TO JUMP-START THE LEARNING OUTCOMES ASSESSMENT PROCESS

INTRODUCTION

The legal community has been talking for years about impending changes to the American Bar Association’s standards for the accreditation of law schools to include the requirement that all law schools implement both course-level and program-level learning outcomes assessment (LOA) processes.\(^1\) Although it is still unclear when these new standards will take effect and, more importantly, when law schools will be required to fully implement the new standards, it is not too early for law schools to begin planning for the change. As those who have embraced LOA theory and practice (also known as outcomes-based education (OBE)) know, it takes time (often years) to implement a fully-functioning process. More importantly, since the essential purpose of LOA is to improve student learning, it is never too early to help law students meet their full potentials.

One of the impediments to the implementation of LOA is a perception that it is an edict by accreditation authorities and school administrators who do not know the first thing about teaching. Thus, a top-down approach to the implementation of LOA is apt to fail unless there is a significant pre-existing cohort of faculty who are willing to give it a try. In the absence of such a cohort, one must be developed. Typically, this is attempted through the development of university-level Teaching and Learning Centers and through the formation of university and program level committees. While these efforts are useful, because they are not directly related to what is happening in individual classrooms and tend to be dominated by LOA believers, change is incremental and slow. This article explains how the development of a Professional Learning Community (PLC)\(^2\) and the use of collaborative teams can be used to jump-start and speed-up LOA processes.

This article begins in Section I with a discussion of the purpose and value of LOA, particularly with respect to law schools. In Section II, it provides a brief summary of LOA practices, including a discussion of formative and summative assessments and the feedback-loop that is a central feature of LOA. Section III then describes some of the practical challenges of implementing LOA processes. Building upon the discussion of the theory, practice, and struggles of LOA, Section IV examines the meaning and purpose of a PLC and how PLC processes can be used to plan for and implement LOA. The article concludes with a summary of the key features of collaborative teams.

---

\(^1\) See proposed Standards 206 and 302, draft after November 2011 Meeting of the American Bar Association, Section of Legal Education and Admissions to the Bar, Standards Review Committee.

\(^2\) Generally, the term “Professional Learning Community” refers to the development within an educational institution of a collaborative culture that is focused on student learning. DuFour defines PLCs as “educators committed to working collaboratively in ongoing processes of collective inquiry and action research to achieve better results for the students they serve.” Richard DuFour, et al, LEARNING BY DOING: A HANDBOOK FOR PROFESSIONAL LEARNING COMMUNITIES AT WORK (2006). “A PLC is composed of collaborative teams whose members work interdependently to achieve common goals.” Id., 15.
PROFESSIONAL LEARNING COMMUNITIES AND COLLABORATIVE TEAMS: 
TOOLS TO JUMP-START THE LEARNING OUTCOMES ASSESSMENT PROCESS

I. Why Learning Outcomes Assessment?

Anyone who has worked in an institution of higher learning, particularly a law school, knows that change is hard.\(^3\) There are many reasons for this. Some people simply do not like change, particularly if the current system seems to benefit them. Other people are convinced that the current system is the best, particularly (like law professors) if they were a product of that system.\(^4\) (Wouldn’t advocating for or accepting change in an educational program suggest that there was something deficient about the old system and, therefore, something deficient about me?) Professors are often resistant to changes in the curriculum or to teaching requirements because they have spent years, perhaps decades, perfecting their teaching materials and fear having to re-examine or alter those materials. Ironically, with respect to LOA, some educators are skeptical that they can learn anything from the education professionals who have developed LOA theory and practice. In their book, Developing Outcomes-based Assessment for Learner-centered Education: A Faculty Introduction, Driscoll and Wood explain: “For many educators, outcomes-based assessment triggers an image of rigid rubrics, behavioral objectives, tightly contained curricula, and reduction to quantitative measures.”\(^5\)

Drawing upon scholarship from other disciplines, Judith Welch Wegner characterizes legal education reform efforts as a “wicked problem.”\(^6\) As she explains:

[A] “wicked problem” is one that cannot be definitively described or understood since it is differently seen by differing stake-holders, has numerous causes, and is often a symptom of other problems.

. . .

Wicked problems occur when the factors affecting possible resolution are difficult to recognize, contradictory, and changing; the problem is embedded in a complex system with many unclear interdependencies, and possible solutions cannot readily be selected from competing alternatives.

By definition, wicked problems cannot be solved in the same ways that “tame problems” can be solved.\(^7\) Instead, “intensive attention [must] be devoted to building shared understanding of


\(^4\) See Richard DuFour, et al, REVISITING PROFESSIONAL LEARNING COMMUNITIES (Solution Tree 2008) (quoting Anaïs Nin for the observation, “We don’t see things as they are, we see things as we are.”).

\(^5\) Amy Driscoll and Swarp Wood, DEVELOPING OUTCOMES-BASED ASSESSMENT FOR LEARNER-CENTERED EDUCATION: A FACULTY INTRODUCTION, p. 9 (Stylus 2007).

PROFESSIONAL LEARNING COMMUNITIES AND COLLABORATIVE TEAMS: TOOLS TO JUMP-START THE LEARNING OUTCOMES ASSESSMENT PROCESS

complex problems, drawing in the full range of stakeholders.” The LOA process, including the development of a PLC and collaborative teams, provides the means to develop a shared understanding of the problems facing legal education and the challenges of law student learning.

Given the resistance to LOA in many areas of higher education, including law schools, it is worth examining why the ABA and other accrediting bodies think that LOA is important. One obvious answer (or at least obvious to those who believe in LOA theory and practice) is that LOA improves student learning. Among other findings, studies by experts in the field of student learning have found that students achieve “deeper learning” when they are told up-front what they are expected to learn. The reason is simple: If students understand what they are expected to learn, they will focus on learning those topics and will not become distracted by irrelevant matter.

If you don’t know what is important to focus on you skim, you cram, and you stay on the surface. If you have a priority or focus, you are able to dig, to expand, and to achieve depth of understanding.

Thus, the simple act of specifying anticipated learning outcomes for a program, course, or individual class session (the first step in the LOA process) has been shown to improve student learning. But LOA theory and practice goes beyond the simple act of specifying anticipated learning outcomes to inquire whether students are actually learning what is being taught, known and referred to as course-level and program-level assessment.

Among educational professionals, LOA represents a critical shift from a teaching paradigm to a learning paradigm. As law professors, it is impossible for us to teach our students everything about the law. If we pause to think about the essence of a legal education, it is to provide our students with the knowledge and skills they need to find, understand, and apply relevant legal theories and principles to solve problems. LOA broadens and deepens the educational experiences of students in ways that are fully consistent with the goals of legal education.

7 Wegner, Reframing Legal Education’s “Wicked Problems,” 61 Rutgers L. Rev. 867, 872-73 (defining “tame problems” as “those that are more readily susceptible to traditional solutions using standard techniques: defining the problem, understanding it, gathering information, crafting and evaluating solutions, choosing a solution and assessing the result.”)
11 For an example of a casebook that uses this strategy by specifying anticipated learning outcomes at the beginning of every chapter, see Elizabeth A. Rowe and Sharon K. Sandeen, CASES AND MATERIALS ON TRADE SECRET LAW (West 2012).
PROFESSIONAL LEARNING COMMUNITIES AND COLLABORATIVE TEAMS: TOOLS TO JUMP-START THE LEARNING OUTCOMES ASSESSMENT PROCESS

Our tendency is to focus on what learners do while they are with us – in classes, in a major program of courses, or on the campus. That tendency keeps our focus on our pedagogy (teaching and learning approaches) and keeps us in the teaching paradigm. Instead, authentic outcomes push us to think differently, to describe those departures skills, understandings, and so on, and then to focus our planning on how to promote them during our time with the learners.\(^\text{13}\)

LOA provides a framework for identifying “the bigger picture” and enables us to be intentional about the departure skills and understandings that we want law students to learn before they graduate.

The less obvious answer to the question posed – Why LOA? - is that LOA is important to accrediting bodies (such as the ABA) and it is important to accrediting bodies because it is important to the U.S. Department of Education.\(^\text{14}\) The U.S. Department of Education has taken an interest in LOA, not only because it is the central part of its mission to improve education in the United States, but because the DOE wants to make sure that the vast amounts of federal subsidies for higher education (in the form of student loans and grants, which help pay our salaries) are being spent on worthwhile programs To put it bluntly, if a federally-subsidized institution of higher learning promises to educate students in a particular field, the U.S. government wants to be certain that it is getting its money’s worth.

The foregoing statement, inevitably leads to the assertion that law schools know what they are doing and cannot and should not be accused of breaking their promises to educate students. After all, most law students who graduate from ABA-accredited institutions pass a Bar Exam and go on to successful professional careers. There are, however, two responses to this refrain: (1) How do law schools know that they are not breaking their promises to their students if they do not periodically assess students learning outcomes?; and (2) Is the Bar Exam the most legitimate, or the only legitimate, means of measuring the effectiveness of a law school’s educational programs? Given that many in legal education lament a curriculum that appears to “teach to the Bar Exam,” it is ironic that the Bar Exam is often cited as a reason why LOA processes are not needed in law schools.

It is precisely because law schools do not merely teach to the Bar Exam that LOA processes are needed to assess whether law schools are meeting the “extra-Bar Exam objectives” of their curriculum and programs. In his ground-breaking book,\(^\text{15}\) Greg Munro explains:

> [C]entral to the assessment program for legal education and critical to the achievement of a law school’s mission is the identification of goals and objectives

---

\(^{13}\) Driscoll and Wood, DEVELOPING OUTCOMES-BASED ASSESSMENT FOR LEARNER-CENTERED EDUCATION: A FACULTY INTRODUCTION, p.8.


\(^{15}\) Gregory S. Munro, OUTCOMES ASSESSMENT FOR LAW SCHOOLS, (Inst. for Law School Teaching 2000).
PROFESSIONAL LEARNING COMMUNITIES AND COLLABORATIVE TEAMS: TOOLS TO JUMP-START THE LEARNING OUTCOMES ASSESSMENT PROCESS

which can be stated in terms of student outcomes and institutional outcomes for assessment purposes.

Student outcomes are the abilities, knowledge base, skills, perspective, and personal attributes which the school desires the students to exhibit on graduation.

Institutional outcomes are those goals and objectives which a law school has set for itself in serving the people it has chosen to serve.

LOA provides law schools with the means to: (1) clearly identify the core knowledge, skills, and values that they seek to teach; and (2) assess whether their students are actually meeting those objectives.

Ultimately, the establishment of goals and objectives and the use of LOA processes leads to a fundamental shift in the way students are taught and how student progress is measured. Education becomes less about sorting students into groups according to their performance on summative exams, and more about improving student learning throughout a given course of instruction.\(^\text{16}\)

The fundamental premise of this new vision is a rejection of the determinism inherent in the bell curve and the embrace of the essential truth that teachers and school leaders make a difference. When we take this perspective, we stand on the shoulders of giants . . . who believe that teaching is not merely the act of transmitting knowledge, but an inherently collaborative, interactive, and relationship-based enterprise.\(^\text{17}\)

For the legal academy, LOA means that where a student attends law school means less than what he learned and achieved when he was there.

The first, and perhaps most important, thing to notice about LOA is the terminology that is used. The central purpose of LOA processes is to determine whether students are actually learning.\(^\text{18}\) Although the teaching abilities of educators are an obvious part of the equation, the

\(^{16}\) **AHEAD OF THE CURVE: THE POWER OF ASSESSMENT TO TRANSFORM TEACHING AND LEARNING,** (Douglas Reeves ed.), (Solution Tree 2007). See also, Munro, **OUTCOMES ASSESSMENT FOR LAW SCHOOLS,** p. 33 (“The need for effective assessment in law schools is masked by a set of unchallenged presumptions about the success of law school teaching and institutional effectiveness. There is no system of assessment but, instead, nearly universal reliance on a final examination system whose real purpose is not to evaluate student competence but to sort and rank students by assigning grades.”)

\(^{17}\) *Id.* , at p. 2. A “giant” to which the author undoubtedly refers is John Dewey who championed collaborative learning methodologies and student learning communities as a means to improve student learning. See John Dewey, **DEMOCRACY AND EDUCATION** (Macmillan 1916). See also, Laurel N. Tanner, **DEWEY’S LABORATORY SCHOOL: LESSONS FOR TODAY** (Teacher’s College Press 1997).

\(^{18}\) Peggy L. Maki, **ASSESSING FOR LEARNING: BUILDING A SUSTAINABLE COMMITMENT ACROSS THE INSTITUTION** (Stylus 2004) (“Assessing for learning is a systematic and systemic process of inquiry into what and how students learn over the progression of their studies and is driven by intellectual curiosity about the efficacy of collective educational practices.”)
PROFESSIONAL LEARNING COMMUNITIES AND COLLABORATIVE TEAMS: TOOLS TO JUMP-START THE LEARNING OUTCOMES ASSESSMENT PROCESS

knowledge, skills, and abilities of the students are also critical factors. For example, if a student is not proficient in reading, the superior teaching abilities of a Professor of Literature are meaningless. Thus, much of the focus of LOA is on students and whether they are learning what they need to learn before moving to the next level of their education. In terms that law professors should appreciate, LOA questions the assumption that “if you teach it, they will learn” and instead demands empirical evidence that learning is actually occurring.

Admittedly, law schools are in a much better position than K-12 institutions, or even colleges, to assume that their students possess the basic knowledge and skills to get the most out of their legal education. After all, with rare exceptions, every law school student graduated from college and usually earned a grade point average of 3.5 or above. The more selective law schools are, the stronger the assumption is that their students are learning what they need to know to become effective entry-level lawyers because their students are “smart enough” to figure it out. This air of superiority may explain some of the negative discourse surrounding LOA in legal education; if some law students are not learning what they need know, it must be because some law schools are letting in unqualified students. In my opinion, this sentiment misses the point. There is no question that law schools should have high admissions standards. The point is that not all law students (no matter how smart or skilled) come to law school with the same prior knowledge, skills, or experience. For law students to get the most out of their legal education, and for the U.S. government to get its money’s worth, a program of legal education must be able to adapt to the actual needs of its students. The best way to do this is by embracing LOA.

II. Learning Outcomes Theory and Practice

Learning Outcomes theory and practice is not new. Rather, as one commentator has noted, “assessment has conceptually been occurring for hundreds, and perhaps thousands, of years.” Driscoll and Wood date outcomes-based assessment as starting more than thirty-five years ago. Professional learning communities emerged as a specific LOA strategy nearly fifteen years ago. What is new, or relatively so, is the development in the middle of the twentieth century of “the concept of a long-term, value-added approach to studying student

19 This is a rough estimate based upon the GPAs of entering students as reported to U.S. News and World Reports. The average is higher for higher-ranked schools, and lower for lower-ranked schools.
20 At the risk of getting too personal, I performed very well in law school, both at the University of the Pacific, McGeorge School of Law where I received my J.D. and at U.C. Berkeley School of Law where I received my LL.M. Despite this, there were courses at McGeorge in which I did not excel and where I could have learned more if I had a different base of knowledge. In retrospect, I do not believe I had the life experiences, knowledge, or perspectives when I started law school to connect with certain subjects or the teaching styles of certain Professors. Fortunately, I had the benefit of having some exposure to lawyers and the legal system before starting law school. Imagine what the experience is for law students who have never been exposed to the legal system?
22 Driscoll and Wood, DEVELOPING OUTCOMES-BASED ASSESSMENT FOR LEARNER-CENTERED EDUCATION: A FACULTY INTRODUCTION, p. 4.
PROFESSIONAL LEARNING COMMUNITIES AND COLLABORATIVE TEAMS: TOOLS TO JUMP-START THE LEARNING OUTCOMES ASSESSMENT PROCESS

learning. For the past fifty-plus years, numerous scholars have studied student learning at both the K-12 level and within institutions of higher learning, and scores of books, articles, and studies have been written on the topic. Thus, there is no shortage of literature that can provide law schools with useful information on the purpose and meaning of LOA and how best to implement LOA processes. The following is a summary of the salient points about LOA.

As noted above, LOA marks a shift from a teaching paradigm to a learning paradigm. A key feature of this shift is that LOA is student-focused. While traditional methods of teaching law, such as the Socratic or case methods can still be utilized, LOA focuses attention on outcomes rather than inputs. It is not how or what a teacher teaches that matters; what matters is what students learn. As used in LOA circles, “student learning” has a broad meaning that is consistent with the goals of legal education.

Learning . . . encompasses not only knowledge leading to an understanding but also abilities, habits of mind, ways of knowing, attitudes, values and other dispositions that an institution and its programs and services assert they develop.

LOA involves the systematic assessment of student learning with the goal of improving such learning over time through the collection and sharing of information that, contrary to the beliefs of some LOA critics, need not be based upon objective or standardized measures.

One way to think about LOA is as a four step feed-back loop. The first step in the loop is for the educational institution (or any program or course of instruction) to identify what it wants to teach or, to use a more refined and broader term, its “learning objectives.” The second

27 Maki, ASSESSING FOR LEARNING: BUILDING A SUSTAINABLE COMMITMENT ACROSS THE INSTITUTION, p. 3. See also, Carol Geary Schneider, INTRODUCTION TO LIBERAL EDUCATION AND HIGH-ImpACT PRACTICES: MAKING EXCELLENCE – ONCE AND FOR ALL – INCLUSIVE, a report of the Association of American Colleges and Universities (2008) (“T[he long-term “college success” question encompasses not only whether students have earned a degree, but also whether graduates are in fact achieving the level of preparation – in terms of knowledge, capabilities, and personal qualities – that will enable them to both thrive and contribute in a fast-changing economy and in turbulent, highly demanding global, societal, and often personal contexts.”)
28 Walvoord, ASSESSMENT CLEAR AND SIMPLE: A PRACTICAL GUIDE FOR INSTITUTIONS, DEPARTMENTS AND GENERAL EDUCATION, p. 2).
29 The literature includes numerous diagrams of this loop. See e.g., Maki, ASSESSING FOR LEARNING: BUILDING A SUSTAINABLE COMMITMENT ACROSS THE INSTITUTION, p. 5.
30 Learning objectives can be broader than what is taught in a classroom because LOA theory recognizes the role that students play in their own learning, separate and apart from what is actually taught in the classroom. Given the
PROFESSIONAL LEARNING COMMUNITIES AND COLLABORATIVE TEAMS: 
TOOLS TO JUMP-START THE LEARNING OUTCOMES ASSESSMENT PROCESS

step requires an assessment of whether the identified learning objectives are being met. This should be accomplished both at the individual course-level through the use of formative and summative assessment tools and at the program-level. Once assessments are conducted and the resulting information and data is collected, the third step is for the information and data to be analyzed to determine whether the courses and programs that were assessed are meeting applicable learning objectives. If not, the fourth-step in the process requires that changes in the course of instruction be made to address any gaps in learning. For instance, at the course-level, this may be accomplished by re-teaching material that most students did not understand. At the program-level, it may be necessary to change course offerings, specify more required courses, or clarify the essential material that is to be taught in specific courses.

Another way to think about LOA, and a perspective that is important for understanding the purpose and value of a PLC, is that it is a process by which an educational institution develops a culture that is focused on student learning. This may seem like an odd statement since the principal purpose of educational institutions is to advance the knowledge of their students, but it goes back to the point that was made earlier: LOA is about what students learn, not about what teachers teach. Most law schools already have a culture of inquiry and discovery with respect to faculty scholarship. LOA asks that a similar culture of inquiry and discovery be created and applied with respect to student learning; what Driscoll and Wood refer to as a “scholarship of teaching.” In a culture that is focused on student learning, the knowledge and scholarship of individual teachers and professors is obviously important for determining what subjects individual professors may be called upon to teach and for honing their abilities to teach those courses, but it does not directly address the question of what students learn. The only way to do determine what students learn is to assess their progress.

While assessments - in the form of tests, quizzes, essay exams, and the like - have long been a part of educational practice, the scope and nature of LOA assessments are different. At the course-level, LOA relies heavily upon the use of “formative assessments” rather than “summative assessments.” One definition of a formative assessment is that “it involves testing students in the midst of an ongoing instructional sequence and then using the test results to improve instruction.” The point of such assessments is to provide timely feedback to teachers and students so that learning can be improved during a course of instruction.

…[A]ssessments designed for ranking are generally not good instruments for helping teachers to improve their instruction or modify their approach to individual students. Students take these assessments at the end of the school year,

dition when developing LOA processes.


32 Numerous books provide examples of course-level assessment tools. For law schools and experiential learning courses, see e.g., ASSESSING OUR STUDENTS, ASSESSING OURSELVES, Vol. 3 in the Rethinking Negotiation Teaching Series, (Noam Ebner, et al, eds.) (Hamline University DRI Press 2012).

33 W. James Popham, TRANSFORMATIVE ASSESSMENT, (ASCD 2008), p. 3.
PROFESSIONAL LEARNING COMMUNITIES AND COLLABORATIVE TEAMS: TOOLS TO JUMP-START THE LEARNING OUTCOMES ASSESSMENT PROCESS

when most instructional activities are near completion. Teachers do not receive the results until many months later, and by that time their students have usually moved on to other classrooms with different teachers.\textsuperscript{34}

But formative assessments are not just tests,\textsuperscript{35} they are instructional tools.\textsuperscript{36} As Greg Munro explains, “[a]ssessment is not only a means of determining what and how a student is learning, but is itself a learning tool,”\textsuperscript{37} both for students and their professors. An ancillary benefit of formative assessments is that they teach students the importance of constant improvement and how to self-reflect about their own work, leading to an appreciation for life-long learning.

A major misconception about LOA is that it results in “dumbing-down” the curriculum or the content of individual courses. Concerns are also expressed that LOA is a rigid and inflexible process that interferes with academic freedom. Neither concern is warranted. Rather, LOA provides the context for faculty to work together to enrich and deepen the curriculum and the content of individual courses. It also provides additional spaces in which to exercise academic freedom. Instead of working alone to determine what should be taught in a given course, LOA enables faculty to collectively determine the essential content of individual courses - particularly required courses - so that the program-level learning objectives of an institution (e.g., a law school’s objectives) are met. In practice, LOA moves the assessments that law professors have been engaging in for years in the privacy of their own homes and offices into collaborative spaces where faculty can learn from one another.\textsuperscript{38} Among other benefits, LOA processes ensure that all students receive comparable instruction in the core competencies of their chosen field of study and that “grades and credit hours have a commonly agreed-upon meaning and ultimately, credibility.”\textsuperscript{39}

LOA is the antithesis of a rigid process because, when implemented correctly, it facilitates and rewards changes that are deemed necessary to improve student learning. Driscoll and Wood describe the development of a “culture for faculty learning and empowerment.”

Can you imagine a faculty member admitting that he doesn’t know much about the topic in his curriculum? It’s just not something we do at universities. The academy, with its policies and practices, has not fostered such trust or intimate sharing among its members. In such a culture, the pressure not to ever admit that you do not know something comes in all forms.

\textsuperscript{34} Reeve, ed., \textit{AHEAD OF THE CURVE: THE POWER OF ASSESSMENT TO TRANSFORM TEACHING AND LEARNING}, p. 15.
\textsuperscript{35} The term “tests” is used broadly and should not be interpreted to require that formal exams be given. Formative assessments that are designed to measure student learning can take many forms, including the simple act of asking students if they understand certain principles and concepts.
\textsuperscript{36} Popham, \textit{TRANSFORMATIVE ASSESSMENT}, p. 3.
\textsuperscript{37} Munro, \textit{OUTCOMES ASSESSMENT FOR LAW SCHOOLS}, p. 11
\textsuperscript{38} Driscoll and Wood, \textit{DEVELOPING OUTCOMES-BASED ASSESSMENT FOR LEARNER-CENTERED EDUCATION: A FACULTY INTRODUCTION}, p. 38.
\textsuperscript{39} \textit{Id.}, p. 18.
PROFESSIONAL LEARNING COMMUNITIES AND COLLABORATIVE TEAMS: TOOLS TO JUMP-START THE LEARNING OUTCOMES ASSESSMENT PROCESS

It is ironic that although we live and work in a culture of inquiry, and strive to teach law students to be critical thinkers, there is not a culture of inquiry about student learning within most law schools. Developing a culture that is focused on student learning means that teachers and professors are not afraid to question the effectiveness of their teaching because such questioning is valued more than the results of the assessments. In a culture focused on student learning, there is no shame in being a less than perfect teacher; the shame is in assuming that there is no room for improvement.  

III. Challenges to Implementing LOA

When embarking on the implementation of LOA processes, the logical approach is to mirror the feed-back loop described above. The first thing to determine is the learning objectives for a given program of instruction, such as a law school. This can be a lengthy, drawn-out, and draining process. Not only will you encounter stiff resistance to LOA generally, individual faculty members are bound to have disparate views on the goals of a law school. Often, their views will align with their own scholarship and reflect an understandable desire to honor their work and interests. The only way to overcome this resistance is to work collaboratively, and as long as it may take, to develop a collective vision of the core knowledge, skills, and values that a law school wants to instill in its students. In doing so, it is important to involve both LOA believers and LOA skeptics in the process. Because LOA believers may be bloodied in the process, it is also important for there to be a strong institutional commitment to LOA. An occasional pat on the back, and timely intervention, would help too.

Proposed Standard 302 provides some basic guidelines for law school learning objectives that can be copied and tweaked to provide the foundation for a good list of objectives. In addition, as Greg Munro emphasizes, law schools should feel free to tailor their learning objectives to the particular needs of the community in which the law school is located and the mission of the law school. For instance, if a law school sees its mission as preparing its students for careers as law professors or as advancing understanding of the field of law and economics, learning objectives should be drafted to reflect those goals. At Hamline University School of Law, we place great importance on the role of lawyers as problem-solvers and emphasize in our course of instruction the myriad ways that problems can be solved both inside and outside the classroom.

40 To fully implement this cultural shift, it will be necessary to alter the way that teaching is evaluated both at the law school level and by the ABA during the accreditation process. If LOA marks a shift in focus from teaching to learning, then the evaluation of teacher performance should focus on whether students are learning what the course is designed for them to learn. It should not be based upon common proxies for teaching ability, such as mastery of the Socratic Method or student engagement. More importantly, law professors have to be given the freedom to experiment with new approaches to teaching, even if their experiments result in poor student evaluations.

41 See Appendix A for a copy of Hamline University School of Law’s Learning Outcomes for Lawyer Achievement, adopted by the law faculty on May 8, 2008.

42 See proposed Standard 302, draft after November 2011 Meeting of the American Bar Association, Section of Legal Education and Admissions to the Bar, Standards Review Committee.

43 Munro, OUTCOMES ASSESSMENT FOR LAW SCHOOLS, p. 15-16.
judicial system. Thus, a key feature of our learning objectives is its emphasis on dispute resolution skills.\textsuperscript{44}

Once a law school determines what its learning objectives are, the next step in the LOA process is to begin to assess whether such objectives are being met. Not every course has to satisfy every one of the institution’s objectives; rather, the entire program of instruction (particularly the required courses) should be designed to meet all the objectives.\textsuperscript{45} Thus, the assessment of learning objectives requires the development of both course-level and program-level assessment tools. The course-level assessments are designed to determine whether students are attaining the learning objectives of individual courses. Program-level assessments are intended to measure whether students – usually graduating students – have acquired the knowledge, skills, and values that are specified in the institution’s learning objectives. For instance, program-level assessments would inquire whether students have acquired sufficient legal writing skills, not whether they did well in their first-year legal writing courses.

Although the development of assessment tools tends not to be as contentious as the initial development of learning objectives, there is a steep learning-curve that makes the creation, adoption, and implementation of course-level and program-level assessments difficult and time-consuming. The first challenge is to get law faculty used to a new vocabulary that includes such terms as: “formative assessment,” “rubrics,” “essential learning,” and “summative assessment.” In the same way that first-year law students become disoriented and confused by the vocabulary of the law, law professors are often uncomfortable with having to learn a new and unfamiliar vocabulary. The fact that LOA is perceived as being a time-consuming process that is being imposed from on high does not make the task any easier. The only way to overcome this challenge is to be patient and to infuse the ordinary and normal discourse with talk of LOA.

The second challenge is to overcome decades of tradition that favors summative over formative assessment and that views the purpose of grades as the sorting of students. Law schools, like other institutions of higher learning, have a long history of assessing student learning. As noted above, however, the summative nature of the typical law school exam makes them ineffective assessment tools for LOA purposes because they do not provide timely feedback. Although many law professors take the time to write written comments on exam answers, students do not always receive that feedback. Part of this may be blamed upon students who are too busy or too lazy to pick-up their exam answers or otherwise request feedback, but I suspect that a large part of the problem stems from a culture that does not value feedback. Policies that require mandatory-curves and anonymous grading are likely to blame for giving law students the sense that there is little value in obtaining feedback. They quickly realize that the


\textsuperscript{45}It is also important to note that what is taught in individual courses is never limited to the designated learning objectives. Rather, the learning objectives are simply the core of the program or course and students should always be challenged to learn more. A focus on specific “core” or “essential” objectives will provide students the foundational knowledge and skills that they need to achieve deeper learning.
PROFESSIONAL LEARNING COMMUNITIES AND COLLABORATIVE TEAMS:
TOOLS TO JUMP-START THE LEARNING OUTCOMES ASSESSMENT PROCESS

principal purpose of law school exams is to identify law clerk and big firm worthy students and not as a means to improve their learning.

In order to overcome the natural resistance to new forms of assessment, the process of developing new assessment tools should take a two-pronged (or multi-pronged) approach. Most directly, individual professors should be encouraged to implement formative assessment tools in their individual courses. Second, program-level or institution-level assessments must be devised and implemented. The development of program-level assessments generally requires the input from multiple professors and administrative staff. It might take the form of simply collecting and analyzing assessments and data that already exist (like the essay exam answers from all Torts professors), or involve the development of new assessment tools (such as a survey of graduating students). In either case, the work that is required to develop and implement assessments is likely to require the time and attention of law professors who would rather be researching and writing. Although a common observation among LOA participants is that it makes the job of teaching easier and more rewarding, admittedly there is the proverbial “hump” that must be ascended before the benefits of LOA can be reaped.

The third and fourth steps in the LOA process require the collection and analysis of information and data for the purpose of determining how student learning can be improved. One part of this process is to assess whether there are any gaps in the curriculum or in the subject matter that is taught in individual courses. For instance, if proficiency in oral advocacy is a learning objective of a law school, then it should identify all the places where oral advocacy skills are taught and determine whether all or most students receive such instruction. If gaps are found, steps should be taken to fill those gaps, or the learning objectives should be modified. With respect to gaps in the curriculum, the principal challenge is the strong preference for the status quo. Although the curriculum at most law schools was probably developed over decades through a process of accretion rather than planning, fear of change means there is a reluctance to carefully examine the curriculum anew to determine if it meets the learning needs of current students. With respect to the failure of individual courses to teach expected subject matter, vociferous cries of “academic freedom” are likely to be heard from those that do not appreciate that specifying the basic subject matter to be taught in a course is different from specifying how the course will be taught.46

Where there are no gaps in a program or course of instruction when compared to an institution’s learning objectives, but there is evidence that students are not learning the required material, then an examination must be made into possible impediments to student learning. Unfortunately, the tendency in institutions of higher learning like a law school (and sadly K-12 institutions) is for the teachers to blame the students for any deficiencies. Who among us has not heard colleagues complain about the inability of law students to write well? If students are not learning then it must because they did not study hard enough or they do not know how to express themselves in writing. The challenge here is to convince law professors that they have to take

46 See Driscoll and Wood, DEVELOPING OUTCOMES-BASED ASSESSMENT FOR LEARNER-CENTERED EDUCATION: A FACULTY INTRODUCTION, p. 5 (noting that learning outcomes “do not specify teaching strategies, learning activities, assignments, readings and resources, or assessment” or otherwise interfere with faculty creativity”).
PROFESSIONAL LEARNING COMMUNITIES AND COLLABORATIVE TEAMS:
TOOLS TO JUMP-START THE LEARNING OUTCOMES ASSESSMENT PROCESS

responsibility for student learning and to create a culture in which it is comfortable for super intelligent, hard-working, and accomplished legal scholars to admit that they can improve their teaching. This involves a process of trust-building.47

There are a number of ways that institutions of higher learning (and K-12 districts) have attempted to meet the above-described challenges and help their faculty to learn and implement LOA processes. This includes educational efforts in the form of internal and external lectures, seminars, and workshops. It may include the hiring of consultants and the establishment of centers for teaching and learning, including the hiring of staff whose sole responsibility it is to assist faculty to learn and implement LOA processes. Both negative and positive incentives may also be used. For instance, faculty may be required to report in their annual self-evaluations the steps they have taken to implement LOA processes or be given extra compensation or a course release in exchange for a promise to develop a new assessment tool. While all of these efforts advance LOA, anyone who has engaged in them knows that unless they are mandatory, they tend to always involve the same group of LOA believers. The challenge is how to convert the non-believers.

Driscoll and Wood describe the resistance to LOA in painstaking detail from the perspective of a newly formed institution of higher-learning which had the benefit of starting fresh.48 Even within an institution that was not required to change decades of entrenched policies, and which had dedicated sufficient staff and financial resources to its Teaching, Learning and Assessment Center, it was difficult for LOA to gain traction. What they discovered is that resistance to LOA is largely the result of intrinsic factors; namely, faculty who are afraid of what they do not know.49 The problem is that institution-level (top-down) LOA training programs are usually not enough to overcome this fear of the unknown. For one reason, they take time to attend and may be scheduled at times when professors are not available. For another reason, what is learned at LOA training programs must still be implemented, and lack of confidence or time constraints can make implementation difficult. After several years of frustration trying to impose LOA using a top-down approach, I believe that the key to implementing LOA processes in law schools involves a bottom-up approach that leads to “a culture for faculty learning and empowerment.”50 The development of a PLC, including the formation of collaborative teams, is a promising means for developing such a culture and implementing LOA.

47 “There is no easy way to overcome the obstacle of mythology when engaged in school improvement. It involves making thinking explicit and calling upon people to engage in the difficult task of articulating and examining their assumptions. It calls for building shared knowledge and learning by doing.” DuFour, et al, REVISITING PROFESSIONAL LEARNING COMMUNITIES, p. 24.
48 Driscoll and Wood, DEVELOPING OUTCOMES-BASED ASSESSMENT FOR LEARNER-CENTERED EDUCATION: A FACULTY INTRODUCTION.
49 Id., p. 2.
50 Id., p. 24.
PROFESSIONAL LEARNING COMMUNITIES AND COLLABORATIVE TEAMS: TOOLS TO JUMP-START THE LEARNING OUTCOMES ASSESSMENT PROCESS

IV. Professional Learning Communities

A. Why develop a PLC?

Before getting into the details of what a PLC is and how PLC processes can be used to jump-start and speed-up LOA processes, it is worth considering why PLCs are a promising means to develop a culture of inquiry regarding student-learning. In their book, Revisiting Professional Learning Communities, the authors advocate for PLCs by first detailing the history of educational reform at the K-12 level and then identifying various reasons why such reforms – including No Child Left Behind – failed. In their opinion, K-12 reform efforts did not fail due to substantive deficiencies in the theories underlying such reforms. Rather, they failed because of: (1) unrealistic expectations; (2) the complexity of the task; (3) misplaced focus; (4) lack of clarity on intended results; (5) lack of perseverance; and (6) a failure to appreciate and attend to the change process. A common feature of all of the stated reasons is the lack of teacher buy-in. This is most clearly expressed in the following narrative regarding the last of the stated reasons for failure:

Most educators have not been trained in initiating, implementing and sustaining change. They have neglected the process of creating a “critical mass” of support or have failed to proceed because of the mistaken notion that they needed unanimous support before launching an initiative. They have regarded conflict as a problem to avoid rather than an inevitable and valuable byproduct of substantive change. They have failed to anchor the change within the culture of the school. They have considered a change initiative as a task to complete rather than an ongoing process.

The authors of Revisiting PLCs conclude that if real educational reform is to occur, “educators must break from the industrial model upon which they were created and embrace a model that enables them to function as professional learning communities.” By the “industrial model” they mean the assumption – prevalent in the late 19th and early 20th centuries - that there is “one best system” for completing any task or solving any problem.

Although legal education does not suffer from the magnitude of challenges faced by K-12, there are similarities between the calls for reform in K-12 education and the legal education reform movement. As with the K-12 system, there have been frequent and repeated calls for the reform of legal education. In the past five years, these calls have taken the form of a Carnegie Foundation Report, Educating Lawyers, and the book, Best Practices for Legal Education: A

51 DuFour, et al, REVISITING PROFESSIONAL LEARNING COMMUNITIES, Chapter 2.
52 Id., p. 66.
53 Id., p.
54 Id., p. 32.
56 Sullivan, et al, EDUCATING LAWYERS: PREPARATION FOR THE PROFESSION OF LAW.
PROFESSIONAL LEARNING COMMUNITIES AND COLLABORATIVE TEAMS:
TOOLS TO JUMP-START THE LEARNING OUTCOMES ASSESSMENT PROCESS

Vision and Road Map. More recently, it has also taken the form of scathing critiques of legal education, including the recent book Failing Law Schools. A general point of all of these critiques is that law schools can and should do a better job of preparing law graduates for the jobs of the Twenty-first century. In response, many law schools have engaged in efforts to refine and improve their programs, curriculum, and teaching, but the bulk of legal education remains as Christopher Columbus Langdell envisioned it over 140 years ago. As with efforts to reform K-12 education, the problem seems to be the failure to build a critical mass of support for a fundamental reform of legal education.

The literature about organizational change supports the notion that fundamental change can only occur if there is buy-in from key stakeholders. As Hord has noted, advocates of educational reform have realized that “educators must come to an intimate understanding of the process of change in order for implementation to be successful and for the promises of new [educational] practices to be realized.” To achieve buy-in requires time, education, and dialogue. The establishment of a PLC and the use of collaborative teams provides a bottom-up and faculty-centered framework in which this education and dialogue can occur. In this regard, DuFour defines professional learning communities as:

Educators committed to working collaboratively in ongoing processes of collective inquiry and action research to achieve better results for the students they serve. Professional learning communities operate under the assumption that the key to improved learning for students is continuous job-embedded learning for educators.

Similarly, Angelo states that: “Learning communities work collaboratively toward shared significant goals, in environments in which competition is de-emphasized. Everyone has the opportunity and the responsibility to learn from and help everyone else.”

Although the original vision of a PLC is as an agent for change in K-12 education, my suggestion for the establishment of a PLC within law schools is more modest. I suggest that the opportunity and the responsibility to learn from and help everyone else.

---

59 See e.g., Stuckey, BEST PRACTICES, p. 18 (“The unfortunate reality is that law schools are simply not committed to making their best efforts to prepare all of their students to enter the practice settings that await them.”)
60 See Friedman, A HISTORY OF AMERICAN LAW, (1993); Sonsteng, et. al, A LEGAL EDUCATION RENAISSANCE: A PRACTICAL APPROACH FOR THE TWENTY-FIRST CENTURY; THE HISTORY AND STATUS OF LEGAL EDUCATION, pp. 21-25 (describing Langdell’s reforms of legal education).
62 Shirley M. Hord, Professional Learning Communities: Communities of Continuous Inquiry and Improvement (SEDL 1997).
64 T.A Angelo, Seven Shifts and Seven Levers, Developing More Productive Learning Communities (1996)
PROFESSIONAL LEARNING COMMUNITIES AND COLLABORATIVE TEAMS: 
TOOLS TO JUMP-START THE LEARNING OUTCOMES ASSESSMENT PROCESS

facilitate discussions about student learning and the development of both course-level and program-level assessments. If the establishment of a PLC also results in fundamental changes to the traditional law school curriculum, so be it, but such is not the “hidden agenda” of either PLCs or LOA. The principal purpose of PLCs is to foster a culture that is focused on student learning. If this is accomplished, use of the specific features of LOA (e.g., learning objectives, formative assessments, and data collection and review) will naturally follow.

B. An Overview of PLCs

The idea of learning communities is not new to the field of education. In the early part of the twentieth century, the scholarship of John Dewey and others led to the idea that student learning communities could be used to improve student learning. The belief that learning could be improved through the use of collaborative group activities has since expanded to include a variety of possible learning communities, including faculty and student communities, faculty-centered learning communities, stakeholder communities, and professional learning communities. As used herein, the term “professional learning communities” refers to a learning community that is designed to bring together the faculty, administrators, and staff of a law school (also known as an all-staff learning community). However, the establishment faculty-only learning communities (also known as Faculty Learning Communities or FLCs) or learning communities that are built around specific educational goals, such as experiential learning objectives, can also serve to jump-start LOA processes.

Among PLC professionals and experts, it is generally understood that there are six characteristics of successful PLCs and four critical questions that PLCs should routinely explore. The six characteristics of successful PLCs are:

1. Shared mission, vision, values, and goals – all focused on student learning;
2. A collaborative culture with a focus on learning;
3. Collective inquiry into best practices and current reality;
4. An action orientation based upon principles of learning by doing;
5. A commitment to continuous improvement; and
6. Results orientation.

The four questions that PLCs should routinely explore with respect to student learning are summarized as: (1) What do we want our students to learn?; (2) How will we know if each student is learning the essential skills, concepts, and dispositions?; (3) How will we respond

65 See Dewey, DEMOCRACY IN EDUCATION.
66 Hord, Professional Learning Communities: Communities of Continuous Inquiry and Improvement, p. 6, citing T.A. Astuto, et al, Challenges to dominant assumptions controlling educational reform (Regional Laboratory for the Educational Improvement of the Northeast and Islands 1993).
PROFESSIONAL LEARNING COMMUNITIES AND COLLABORATIVE TEAMS: TOOLS TO JUMP-START THE LEARNING OUTCOMES ASSESSMENT PROCESS

when some students do not learn?; and (4) How will we enrich and extend learning for students who are already proficient?68 In short, PLCs exist for the purpose of attaining a shared understanding of common problems and common solutions, thereby solving the “wicked problems” of education reform.

C. The Key Features of PLCs

1. Collaborative Teams

While it would be great for all administrators, faculty, and staff of a law school to simply agree to form a PLC for the purpose of improving student learning, the impediments to educational reform that were referenced earlier make this dream improbable. However, it is not unrealistic for law schools to begin a dialogue that is focused on the foregoing questions, particularly among faculty who are either committed to or interested in LOA theory and practice, by forming one or more collaborative teams. As explained by the authors of Revisiting PLCs, “[w]e believe that the first step in breaking free of the traditional norm of educators working in isolation is to establish a new image of the fundamental structure of the school, one that is based on a communal gathering of high-performing collaborative teams that share collective responsibility for the learning of their students.”69

The essence of a collaborative team is that of a group of two or more teachers (or professors) who meet regularly to discuss teaching and learning and who commit to “working together interdependently to achieve a common goal for which they are mutually accountable.”70 Collaborative teams can be configured in myriad ways, involving collaboration of faculty either vertically or horizontally. For instance, they can be built vertically around a specific required course (such as all first-year Torts sections) or horizontally around a broader grouping of courses (such as all experiential learning courses). As noted by Driscoll and Wood, they might even have a cross-disciplinary focus, involving professors from different disciplines within a law school or a university.71 The collaboration that already occurs at many law schools among clinicians and legal writing instructors, albeit not necessarily labeled as “collaborative teams,” provide ready examples for how the same approach can be used for doctrinal courses.

The work of collaborative teams need not be complicated or time-consuming and, in fact, is likely to lead to a sharing of workload.72 Members of a team can begin the process simply by meeting regularly to talk about their courses, their approaches to teaching the required materials, and student progress. The weekly meetings can be scheduled around normal coffee or lunch breaks so as not to interfere with time normally devoted to writing.

---

69 Id., p.
70 Id., pp. 179-180.
71 Driscoll and Wood, DEVELOPING OUTCOMES-BASED ASSESSMENT FOR LEARNER-CENTERED EDUCATION: A FACULTY INTRODUCTION, p. .
72 “Working in a PLC means you never again have to face the challenges of teaching alone.” DuFour, et al, REVISITING PROFESSIONAL LEARNING COMMUNITIES, p. 169 (quoting a member of a successful PLC).
PROFESSIONAL LEARNING COMMUNITIES AND COLLABORATIVE TEAMS: TOOLS TO JUMP-START THE LEARNING OUTCOMES ASSESSMENT PROCESS

2. Learning Objectives

A priority of every collaborative team should be to identify the learning objectives for a given course or program of instruction, the first step of the LOA process. While each professor is free to dictate the outer parameters of each course they teach and to determine their preferred methods of instruction, the members of the collaborative team should be able to reach agreement on the essential knowledge, skills, and values that students must learn in a given course. Ideally, such objectives will be consistent with the program-level objectives of the law school and the skills, knowledge, and values that graduating law students need to possess to be successful first-year attorneys.73

Once the core learning objectives of a course are determined, the work of a collaborative team should focus on how to ensure that students are learning those core objectives. In large part, discussions regarding the progress of student learning will focus on the content of instruction, but invariably members of a collaborative team (at least those that are open to learning themselves) will begin to discuss the approaches and methods they use to teach the objectives. In this way, each member of the collaborative team will learn from their colleagues and a variety of “best practices” for teaching different content will emerge over time. As these discussions occur, adjustments can be made to the learning objectives for specific class sessions and for the course as a whole.

3. Formative Assessments

The next step in both the progression of collaborative teams and the LOA process involves formative assessments. Although legal educators are not always explicit in describing the “scaling-up” of learning about the law, the typical progression of the law school curriculum from foundational courses such as Torts and Contract law to elective courses, as well as the progression of content within a single course, involves a process of building a strong foundation of basic concepts and then driving students toward deeper learning. Typically, however, law professors do not assess their students on a periodic basis to determine if the necessary foundational knowledge has been achieved before moving on to other topics. As importantly, it is unusual for law professors to determine what their students know at the beginning of a course so that they can jump to deeper levels of instruction faster. Formative assessment tools – and there are numerous forms ranging from informal to formal – are designed to provide such feedback both to the students and their professors.

Given the importance of formative assessments in the process of student learning, one of the roles of a collaborative team, and by extension the broader PLC, is to share ideas and methods for assessing students learning. A benefit of a collaborative approach to formative assessment, as opposed to a singular approach, is that the members of a collaborative team can (and should) develop “common formative assessments” that, collectively, are designed to ensure

73 See ABA Standard X which specifically ties the goals of legal education to the needs of first-year attorneys.
PROFESSIONAL LEARNING COMMUNITIES AND COLLABORATIVE TEAMS: TOOLS TO JUMP-START THE LEARNING OUTCOMES ASSESSMENT PROCESS

that students are achieving identified learning objectives. Importantly, the formative assessment tools that are used do not have to test all that is taught, as a final exam might attempt to do, but should focus on ensuring that students are achieving essential learning objectives as they progress through a course. For instance, for my Torts course, a colleague and I decided it is very important for our students to develop an early understanding of the significance and definitions of intent. Thus, we designed an informal formative assessment tool that tests their understanding of intent early in the course.

4. Collective Improvement

Ultimately, the purpose of a PLC is to share ideas and information so that student learning can be improved. The more collaborative teams that are created within a law school and the more information that is shared among faculty, the greater the benefits of the process. As collaborative teams begin to form and faculty share ideas, each collaborative team will naturally want to learn about what other professors are doing and information will begin to be shared among members of different collaborative teams. As an example, if during orientation someone lectures students on how to brief a case, the members of a collaborative team may want to learn what was said so that they can reinforce the message. This sharing of information, in turn, is likely to lead to a discussion concerning the essential features of a good case brief.

There are a number of other reasons why collective improvement is likely to occur. First, if a law school has program-learning objectives and a particular collaborative team is not teaching to one or more of those objectives, the collaborative team will want to ensure that some other course is covering that content. Second, if a collaborative team has a long list of learning objectives, some of which it determines cannot be covered in their courses, that collaborative team may seek out another collaborative team to cover one or more of those objectives. Third, some learning objectives may be so important and foundational that it is important for the material to be taught in more than one course. Or a collaborative team might decide that it is important to reinforce and re-teach content that was first introduced to law students during orientation, such as how to brief a case.

The process of collective improvement of student learning can and should be enhanced with program-level (administrative) initiatives, such as workshops and programs on teaching methodologies and assessments. Such efforts should prove more fruitful once collaborative teams are created because the members of the collaborative teams will be more familiar with the vocabulary of LOA processes and will better understand the purpose and value of LOA.

74 Common formative assessment is defined as: “... [An assessment typically created collaboratively by a team of teachers responsible for the same grade level or course. Common formative assessments are used frequently throughout the year to identify (1) individual students who need additional time and support for learning, (2) the teaching strategies most effective in helping students acquire the intended knowledge and skills, (3) program concerns—areas in which students generally are having difficulty achieving the intended standard—and (4) improvement goals for individual teachers and the team.” DuFour, et al, REVISITING PROFESSIONAL LEARNING COMMUNITIES, p. 169 DuFour, et al, REVISITING PROFESSIONAL LEARNING COMMUNITIES, p. 464.
PROFESSIONAL LEARNING COMMUNITIES AND COLLABORATIVE TEAMS: TOOLS TO JUMP-START THE LEARNING OUTCOMES ASSESSMENT PROCESS

Conclusion

Legal education reform is not easy, but it is not impossible either. The development of a Professional Learning Community through the use of collaborative teams provides a pathway for creating a culture focused on student learning and is an effective and relatively painless means of complying with the ABA’s proposed new standards on student assessment. For law schools that have not yet adopted a list of learning outcomes (a requirement of proposed new Standard 302(a)), the formation of collaborative teams can help them to identify and define learning outcomes that are appropriate for their school’s curriculum, focus, and culture. An added benefit of collaborative teams is that law faculty will learn from each other, thereby enriching their teaching and their scholarship.