

Adding Collaborative and Formative Feedback Opportunities to Your Classes: How Grading by Design and Working Together Save the Day

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Overview

Effective assessment requires providing students several opportunities to practice what they have learned and then applying clear evaluative criteria to their work. The use of both collaboration and rubrics can simplify the grading process. Collaborative work allows professors teaching large classes to provide multiple assignments and feedback on those assignments without sacrificing coverage or control. In addition, developing and implementing clear grading criteria (rubrics) enable professors to grade numerous assignments consistently and fairly.

In Section One of this presentation, you will learn how to incorporate collaborative assessment opportunities for your students. In Section Two of this presentation, you will explore the tools and considerations necessary for designing and applying grading rubrics.

Section One: Collaboration (Anthon, Hemingway, and Smith)

Sample Questions from Surveys*

1. Indicate the predominate method your group used when collaborating on this assignment:
 - a. In-class meeting for group work
 - b. Out-of-class synchronous physical meeting (i.e., being in the same place contemporaneously or simultaneously)
 - c. Synchronous virtual meeting (e.g., IM, telephone, skype/video conference, or other simultaneous or contemporaneous electronic meetings)
 - d. Asynchronous virtual meeting (e.g., email, blog, shared space on Google docs, or other electronic meetings not occurring at the same time)
 - e. Other (please specify)

2. Thinking only of the initial drafting/researching (but not the editing or revising), how did your group complete the work? Please read all choices before answering.
 - a. The entire assignment was drafted/researched by only one person
 - b. The entire assignment was drafted/researched by each group member working separately, so that initially the group had multiple versions/drafts of the entire assignment
 - c. Different sections/questions of the assignment were drafted/researched by different group members working separately
 - d. The group met synchronously and all group members drafted/researched the entire assignment together
 - e. Other (please specify)

3. How would you rate the drafting/researching process that you selected in the previous question (from 1 to 5, with 1 representing "Poor" and 5 representing "Excellent")?

4. Thinking only of the revising and editing (but not the initial drafting), how did your group complete the work? Please read all choices before answering.
 - a. The entire assignment was revised/edited by only one person
 - b. The entire assignment was revised/edited by each person working separately
 - c. Different sections of the assignment were revised/edited by different group members working separately
 - d. The group met synchronously, and all group members revised/edited the entire assignment together
 - e. N/A - We did not revise or edit
 - f. Other (please specify)

* Thank you to Widener Law Professors Jennifer Lear, David Raeker-Jordan, and Starla Williams for their work on the collaboration study.

5. If your group revised/edited the assignment, how would you rate the revising/editing process that you selected in the previous question (from 1 to 5, with 1 representing “Poor” and 5 representing “Excellent”)?
6. Which of the following responses best describes your impressions after completing the assignment:
 - a. We shared the work equally
 - b. I did more than a fair share of the work
 - c. The other group members did more than a fair share of the work
 - d. I did all of the work
 - e. The other group members did all of the work
 - f. Other (please specify)
7. How would you rate yourself in the following areas (from 1 to 5, with 1 representing “Poor” and 5 representing “Excellent”):
 - a. Communication skills
 - b. Leadership skills
 - c. Professionalism
 - d. Teamwork
 - e. Problem solving
 - f. Stress management
 - g. Quality
8. How would you rate your other group members in the following areas (from 1 to 5, with 1 representing “Poor” and 5 representing “Excellent”):
 - a. Communication skills
 - b. Leadership skills
 - c. Professionalism
 - d. Teamwork
 - e. Problem solving
 - f. Stress management
 - g. Quality

Collaborative Project Rubric*

Name of Evaluator: _____

Date of Evaluation: _____

Part I: Evaluate the group as a unit with this section of the evaluation tool. Write the score in the score box.

Category	1	2	3	4	Score
Group Cooperation	We talked very little among our group members	We shared information regularly	We worked together so that everyone contributed to the final project	Can't imagine better cooperation	
Distribution of Group Tasks	Some group members did not complete any of the work	Everyone had a job to do but some jobs were incomplete	We divided up and completed the work equally	Can't imagine better/fairer distribution	
Group Leadership	We had no leader so we just did our own thing	No one person was a leader so we usually helped each other get the job done	One or more persons took a leadership role and gave good directions that kept us going	Can't imagine better leadership	
Communication among group members	We only talked when we thought we needed to, but received little feedback	We occasionally talked about what we were doing and shared some feedback	We usually asked each other for help and showed our work to each other	Can't imagine better communication -- we talked all the time and shared our work for group feedback	
Individual Participation	A few people tried very hard, but most didn't do much	Each person did some work and tried to do a fair share	We all seemed to find our place and do what was needed	Everyone did a great job, I would work with these people again – can't imagine better	
Listening to other points of view	We usually listened to what others were saying but some either did not share ideas or argued	We usually listened to each other and tried to use what they said in the project	We listened while others talked, we learned about different viewpoints, and used some of that information in the project	Everyone listened to each other a lot, and used what we heard to improve our work and the whole project – can't imagine better	
Showing respect	No one was courteous and opinions were not valued	Some were courteous and some opinions were valued	Most were courteous and most opinions were valued	All were courteous and valued each other's opinions	
Group Total Score					

Rate your overall group project experience	I would rather work alone	I learned that group work can sometimes be helpful	I liked learning this way and would probably try it again	It was a valuable and realistic way to learn. My group was great.
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* Thank you to Professor Jennifer Lear, Widener University School of Law – Harrisburg, for sharing these rubrics.

Part II. Use the following section to evaluate each member of your group. Your evaluation should be honest.

Name of Group Member You're Evaluating: _____

Category	1	2	3	4	Score
Source of Conflict	Participated in regular conflict that interfered with group progress. The conflict was discussed outside of the group.	Was the source of conflict within the group. The group should have or did seek assistance from the instructor.	Was neutral; was not involved in either starting or solving conflicts.	Worked to minimize conflict and was effective at solving personal issues within the group.	
Assistance	Contributions were insignificant or nonexistent	Contributed some toward the project	Contributed significantly but other members clearly contributed more	Completed an equal share of work and strived to maintain equity throughout the project	
Effectiveness	Work performed was ineffective and mostly useless toward the final project	Work performed was incomplete and contributions were less than expected	Work performed was useful and contributed to the final project	Work performed was very useful and contributed significantly to the final project	
Attitude	Rarely had a positive attitude toward the group and project	Sometimes had a positive attitude toward the group and project	Almost always had a positive attitude toward the group and the project	Always had a positive attitude toward the group and the project	
Attendance & Readiness	Rarely attended group meetings, rarely brought needed materials, and was rarely ready to work	Sometimes attended group meetings, sometimes brought needed materials, and was sometimes ready to work	Almost always attended group meetings, almost always brought needed materials, and was almost always ready to work	Always attended group meetings, always brought needed materials, and was always ready to work	
Focus on the task	Rarely focused on the task and what needed to be done. Let others do the work.	Focused on the task and what needed to be done some of the time. Other group members sometimes had to nag, prod, and remind to keep this member on task.	Almost always focused on the task and what needed to be done most of the time. Other group members could count on this person most of the time.	Consistently stayed focused on the task and what needed to be done. Other group members could count on this person all of the time.	
Group Member Total Score					

Section Two: Grading Rubrics (Clark and DeSanctis)

[EXCERPTS #1A and 1B are from Rubric for “MEMO 2 DRAFT” (worth 24 points)]

EXCERPT #1A

(1) Initial Memo Elements (QP, BA, SOF) **5 points total**

a. The QUESTION PRESENTED **1 point**

Grading Guidelines: A good QP

- i. articulates the legal question,
- ii. includes legally significant facts,
- iii. excludes legal conclusions, and
- iv. uses an objective tone.

Use these qualities in assigning one point or fewer for the QP. The more factors present, the higher the score. Also, the *more artfully* these factors are executed, the higher the score.

b. The BRIEF ANSWER **2 points**

Grading Guidelines: A good BA

- i. answers the question/predicts the outcome,
- ii. contains a brief statement of the rule, and
- iii. explains reason for the expected outcome.

Use these qualities in assigning two points or fewer for the BA. The more factors present, the higher the score. Also, the more artfully these factors are executed, the higher the score.

c. The STATEMENT OF FACTS **2 points**

Grading Guidelines: A good SOF includes sufficient contextual background facts as well as the specific facts necessary for the analysis. Legal conclusions, of course, should be omitted. Use these qualities in assigning two points or fewer for the SOF. The assigning memo for Memo 2 narrates a story that, of course, is much more detailed than what one would expect to see in a 10-12 page memo. One of the central points of evaluation thus will be your assessment of how clearly and crisply the memo presents the key facts. Based on the memo alone, do you as a reader understand the circumstances, and are all of the facts subjected to analysis covered?

EXCERPT #1B

(4) Discussion Section – Substance (Content; Use of Cases) **6 points total**

You are looking for two things here: the student’s research results not in context of the written product and how well the cases are applied to the facts of the problem. As compared to (2), you are looking primarily at Application, and you are concerned with the substance of the cases and how they are used to analogize and distinguish. NOTE that you may end up with a well structured brief (high points in (3)) that falls short here, in application, or vice versa – *i.e.*, the numbers you assign in (3) and (4) need not be identical.

Grading Guidelines: In this subsection overall, look for how well the paper does the following:

- i. Shows evidence of thorough research
- ii. Makes good choices among cases that are available
- iii. Uses cases accurately (according to holdings, reasoning, policy, etc)
- iv. Cases are **analyzed** and not over-quoted (quotes are used to support the analysis, not as a replacement for it)
- v. Analogies and distinctions are made explicit and they are well-executed, meaning that fact-to-fact comparisons are made express in writing (versus hoped-for on the part of the reader); fact sensitivity thus is important

a. Production and Selection of Cases

1 point

Memo 2 was a relatively easy problem to research given the statutory specificity of the Assigning Memo and the limited universe of case law and other supporting authorities. In assigning a point here, consider whether the key cases are present, as well as ones that support the specific analysis (both in the RE and A sections).

b. Use (Application) of Cases

5 points

- | | |
|----------|--|
| 5 points | The array of cases demonstrates the ability to discern (and work with) key facts. Quoted language and case citations are used as support for analysis, not as a replacement for it. Cases are used accurately (in defining, explaining, and applying the rule(s) and sub-rules) and fact sensitivity (attention to nuance) is apparent. |
| 3 points | Cases may be used appropriately given the propositions in question but not as <i>effectively</i> as they might have been. <i>I.e.</i> , key cases are present and supportive of the propositions stated, but: (1) they are quoted where analysis (or further explanation) would be more effective; and/or (2) factual analysis remains largely at the surface (whereas the cases could have been further pushed or probed). |
| 1 point | The “A” section thus can be described by the following factors: (1) the student is just listing cases seriatim (and perhaps discussing a litany of facts therein); (2) analogies and distinctions between the case and the fact pattern under evaluation are not explicit (or are factually weak); (3) a student uses too few cases (despite a cohesive analysis) or misses a pivotal case; and (4) a student cites cases that do not support the stated propositions. |

[EXCERPTS #2A and 2B are from Rubric for “MEMO 2 FINAL” (worth 72 points)]

EXCERPT #2A

(2) Initial Memo Elements (QP, BA, SOF)

13 points total

a. The QUESTION PRESENTED

3 points

- | | |
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| 3 points | The QP is well-constructed; it articulates the legal question, includes legally significant facts, excludes legal conclusions, and uses an objective tone. It is artfully worded and not cumbersome (though it could be complex in terms of sentence structure). |
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- 1.5 points The QP articulates the legal question correctly and overall uses an objective tone; however, something is lacking. One or two legally significant facts are missing or could have been better stated; the articulation may be confusing. Still, the reader understands generally what is at stake and the QP; it is not under-informative.
- .5 points The QP is overly conclusory or under-informative such that the reader cannot ascertain from the QP (without additional inquiry) what is at stake in the memo.

b. The BRIEF ANSWER

4 points

- 4 points The BA clearly and effectively answers the question/predicts the outcome. The BA contains a brief statement of the rule, and explains the reason(s) for the expected outcome using legally significant facts. The BA is overall objective in tone, and is useful and informative to the reader in providing a good preview of the Discussion section.
- 2 points The BA answers the question/predicts the outcome, but falls short in that it could have better explained the reasons for the expected outcome or been better articulated/more to the point. Look for an overall well-written BA that perhaps leaves out a step, e.g., the rule or rationale for the outcome needs better articulation.
- 1 point The BA is missing an important or significant component, such as a statement of the rule or its anticipated outcome, its key elements, or principles from controlling authority. Alternatively, even a substantively well-constructed BA warrants a lower score if you have to work particularly hard to understand it.

c. The STATEMENT OF FACTS

6 points

As you know, a detailed fact statement was provided in the assigning Memo. Here, you are considering how well the student excerpts and presents the necessary facts. Ask yourself whether you have enough info in the SOF to understand the situation if you had not had the assigning memo yourself.

- 6 points Includes both sufficiently contextual background facts and the facts that are important to the analysis and conclusion. Is concise, yet without referring back to text of problem, reader has all necessary factual info. Is objective – meaning that SOF is free of legal argument, but narration of the facts is consistent w/ the legal conclusions.
- 4 points Follows these general guidelines but: includes legal conclusions or argumentative characterizations; includes factual inferences that are not supported. Generally, however, there are no key facts missing (that are important to the analysis). Style-wise, it may lack a sophisticated tone, and include editorializing, but it is still readable and understandable.
- 2 points Lacks important substance, detail, or context: meaning that a reader would have trouble (without the fact pattern) understanding the relevant details (in anticipation of the Discussion section). The SOF is uses argumentative language or editorializing, and/or exhibits stylistic deficiencies that render it difficult to follow (in tone or b/c it presents a confusing organization or rendition of events).

RUBRIC WITH LESS SPECIFICITY AND NO SPECIFIC POINT VALUES

(Developed for Scoring Appellate Briefs for Moot Court)

Strong

- Effectively employs all crucial facts.
- Contains rich depth of research and uses authority appropriately and effectively.
- Demonstrates an above-average focus, level of understanding, and analysis of the issues.
- Organization is clear, logical, and easy to follow. Shows a clear understanding of the issues.
- Effective point headings and transitions.
- Language is concise and clearly communicates ideas and arguments to the reader.
- Persuasive, arguments are prioritized, effective use of authority.
- Effectively addresses counter-arguments and distinguishes opposing case law.

Average

- Employs crucial facts and an adequate depth of research.
- Maintains focus and demonstrates solid understanding of issues and relevant authority.
- Organization somewhat clear and logical with transitions linking ideas.
- Helpful use of point headings.
- Arguments are generally consistent with average clarity of language.
- Arguments are not necessarily prioritized.
- Generally persuasive, but opportunities to persuade are missed.
- Addresses counter-arguments and distinguishes opposing case law.

Weak

- Employs some crucial facts but uses inadequate depth of research.
- Demonstrates only a basic understanding of issues and relevant authority but lacks complexity and focus.
- Lacks support for arguments at times.
- Some organization, but confusing and/or little transition between ideas.
- Blurred and inconsistent arguments.
- Overall ineffective use of language.
- Overall ineffective arguments.
- Inadequate distinction of opposing case law

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Section One: Collaboration (Hemingway, Smith, and Anthon)

Objectives for Section One:

During Section One of this workshop, you will:

- Explore the logistics of administering collaborative student work
- Collect ideas for structuring exercises, assignments, and tests that could be completed collaboratively by students in your courses
- Take away several methods for assessing collaborative student work
- Learn the results of a three-year study assessing collaborative work in the legal writing classroom

Part II: Structuring and Assessing Collaborative Work

Notes

In your group, share your assignment idea from D and E above. Answer the following questions for the assignment shared by the group member with the fewest years of experience teaching law school courses:

- A. Will student groups complete the work in class or outside of class?

- B. How long do you think it will take students to complete the work?

- C. How many students will be in a group to complete the work?

- D. Will you assign students to groups or will you allow them to self-select their group members? In answering this question, consider the pros and cons of each method.

(Questions continued on next page)

Notes

E. If you assign students to groups, what might you consider when grouping students?

F. What form(s) of assessment do you plan to use for this assignment?

G. Should you encounter a dysfunctional group, how might you respond?

Part III: Three-Year Study Assessing Collaborative Work

See pages 2-5 of the handout in your conference materials.

Notes

Bibliography

- BARBARA GROSS DAVIS, TOOLS FOR TEACHING ch. 18 (1st ed. 1993) (“Collaborative Learning: Group Work and Study Teams”).
- Pearl Goldman, *Alternative Dispute Resolution as a Vehicle for Promoting Collaborative Learning*, SECOND DRAFT, June 2001 at 5.
- Elizabeth L. Inglehart, Kathleen Dillon Narko, & Clifford S. Zimmerman, *From Cooperative Learning to Collaborative Writing in the Legal Writing Classroom*, 9 LEGAL WRITING: J. LEGAL WRITING INST. 185 (2003).
- James B. Levy, “Can’t We All Just Get Along?” — *Cooperative Legal Writing Assignments*, SECOND DRAFT, June 2001, at 1.
- Paula Lustbader, *Some Tips on Using Collaborative Exercises*, THE LAW TEACHER, Spring 1994, at 9.
- Jane Muller-Peterson, *A Collaborative Approach to Teaching Legal Analysis*, THE SECOND DRAFT, June 2001, at 1.
- Myra Orlen, *Learning Factual Analysis and Negotiation Skills Using Collaborative Techniques*, SECOND DRAFT, June 2001, at 10.
- Vernelia R. Randall, *Increasing Retention and Improving Performance: Practical Advice on Using Cooperative Learning in Law Schools*, 16 T.M. COOLEY L. REV. 2001 (1999).
- Elizabeth A. Reilly, *Deposing The “Tyranny of Extroverts”*: Collaborative Learning in the Traditional Classroom Format, 50 J. LEGAL EDUC. 593 (2000).
- Judy Rosenbaum & Cliff Zimmerman, *Fostering Teamwork Through Cooperative and Collaborative Assignments*, SECOND DRAFT, June 2001, at 7.
- Melissa J. Shafer, *In-Class Exercises That Foster Student Collaboration*, SECOND DRAFT, June 2001, at 13.
- Sophie Sparrow, *Team-Based Learning — An Overview*, THE LAW TEACHER, Spring 2010, at 1–2.
- TEAM-BASED LEARNING COLLABORATIVE, <http://www.tbtc.camp9.org> (last visited May 27, 2011).
- Clifford S. Zimmerman, *Thinking Beyond My Own Interpretation: Reflections on Collaborative and Cooperative Learning Theory in the Law School Curriculum*, 31 ARIZ. ST. L.J. 957 (1999).