

# Working Together in Law

*Teamwork and Small Group Skills for  
Legal Professionals*

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Sophie Sparrow  
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# Preface

I am a lawyer and law professor. I love thinking and writing about legal communication, both argumentation and persuasion, the arts of influence. I started this book project because I never felt that way about small group work, or, perish the thought, “teamwork.” Without dating myself completely, I am a pre-Title IX woman, so I did not have the same opportunities as my three brothers to play on sports teams. Thus, “teamwork” was not part of my vocabulary for most of my personal and professional life. I was cynical about terms such as “teamwork” and “leadership” because they are easier to put on posters than to put into practice. I do not feel the same way after working on this book. Let me try to explain why I have changed.

I wanted to be a lawyer from the time I was six years old. Before I went to law school, however, I obtained a master’s degree in Communication Studies and taught basic public speaking at the University of Minnesota. During my graduate school program, I carefully avoided all organizational and small group communication courses. I knew the arts of argumentation and persuasion were fundamental to law, and that was where I was headed. I did not want to waste my time on the “soft” skills of collaborative work. However, in law school, in legal practice, and in law teaching, I kept finding myself working in groups and teams: editing the law review, working on joint defense teams in practice, or serving on academic committees. No matter how much I wished I could, I could not learn, practice, or teach law all by myself.

About the time I was realizing the importance of collaborative work to my life in the law, one of my close friends, Tony Robb-John, left his entertainment law practice to obtain his M.B.A. at the London Business School. Most of his work in business school was done in teams. He shared his passion for teamwork with me, and lamented that he had received no training in working well

in groups or teams in law school. I realized that he was right. The vast majority of law schools, both in the U.S. and the UK, do not emphasize small group communication skills. Law schools have always taught argumentation and persuasion, but teaching students to “think like a lawyer” also means teaching them to communicate like a lawyer, in writing and in public forums. For quite some time, law schools have been teaching public speaking in trial advocacy and moot courts. More recently, we have started teaching other communication skills, such as negotiation and interviewing. Many of us now assign students to work on group projects in class or clinics, but we rarely stop to teach those students how to work effectively with others, particularly when they do not get to control every aspect of a project. And we rarely have our students reflect on why some of their group work experiences are more successful than others.

My experience as a law professor has been shaped by the two law schools where I have served as both a faculty member and as an administrator. I began my career as a faculty member and administrator at the University of California, Hastings College of the Law. At Hastings, I found a culture of strong faculty governance and an intellectual community. I did not fully realize it then, but I started absorbing intellectual and practical lessons about working collaboratively at Hastings, even though I taught mostly large doctrinal courses in Civil Procedure and Evidence. I left Hastings in 2000 for family reasons and returned to my home state of Minnesota to join the faculty of William Mitchell College of Law in Saint Paul, Minnesota. Almost everything I know about skills training, I learned from my colleagues at William Mitchell. Here is a small part of what they have taught me: when it comes to learning communication skills, whether writing, public speaking, negotiating, or working in groups and teams, a few individuals seem to be naturally gifted. They excel at the skill almost unconsciously. While the vast majority of law students, lawyers, judges, and law professors may not be “gifted,” they generally do have some innate ability with language, which is why they chose to enter the legal profession, and so they have the capacity to improve. We can study, practice, reflect, practice harder, and improve substantially at particular communication skills. And just because someone has talent in one type of communication does not mean that individual will be equally gifted in all communication situations. I have been told I am an excellent public speaker. I am a reasonably good negotiator. But I was not as comfortable with small group and team work; I knew I could be a more effective communicator in those settings.

So, I saw a need, in the legal profession and in myself. There is a maxim in education: “The best way to learn something is to teach it to someone else.”



Thus, in the summer of 2003, Tony Robb-John and I taught an experiential class on “Team Leadership for Lawyers,” with the enthusiastic support of my then-Dean, Harry Haynsworth and Vice Dean, Matthew P. Downs, at William Mitchell College of Law. William Mitchell students are used to the hard work of practical skills courses, but they were challenged by the experience of depending on each other to produce complex legal work. When Tony and I saw their frustration as we guided them through the course, we muttered to each other, “Welcome to the practice of law.” Tony and I began to plot out this book to help law students and lawyers feel more comfortable and be more effective working in small groups and teams.

Tony and I realized that we could not write this book by ourselves. When I started to research the literature about teaching law students to work in groups, I found Cliff Zimmerman’s work about teaching law students to write collaboratively, and read about his work on incorporating team skills in the curriculum at Northwestern University School of Law. Cliff was exceedingly busy, professionally and personally, when I first approached him about helping on this book. But he was gracious enough to start coaching me through what turned out to be a long, grueling writing process, and he ended up getting far more involved in the book than I think he had planned! When Tony Robb-John could not make sufficient time from his international transactional practice to continue working on the book, we knew the team needed another member.

I found Sophie Sparrow, Professor of Law at the University of New Hampshire, through her teaching and contributions to the Team-Based Learning Collaborative. (<http://www.teambasedlearning.org>). This nonprofit organization pulls together educators from business, medicine, engineering, the humanities, and increasingly from law, to learn from each other how best to engage our students in actively applying the concepts and theories of our diverse disciplines, and in the process, how to work well collaboratively with their future professional colleagues. Even though she too had a full schedule, teaching, writing, and being a law teaching consultant, Sophie gladly made time to work on this book with us.

When I reflect on the ensuing writing process, I have to laugh. When we practiced what we preach in this book, things went reasonably well. I pulled together and sifted through an enormous amount of research from business, psychology, sociology, and communication studies. Sophie kept us organized and on schedule, or schedules, as we repeatedly modified them. Cliff brought his rich experience with guiding years of teaching law students to write well together, and kept my spirits up when I questioned why we were doing this

book. Tony continued to provide stories and encouragement from across the Atlantic.

However, when we lost sight of the principles we put forth in the book, we experienced confusion over content, miscommunication, relationship repair work, and delays. We struggled with the demands of finishing this book along with all our other professional obligations, and the ups and downs of everyday life, such as children moving through adolescence into college, family and personal illness, career issues, and house renovation. I have never undertaken such a frustrating, lengthy, and grueling writing project. And I have never learned so much from one or felt such satisfaction upon completion.

In working on this book, I learned that I do not have to be a sparkling team player to be an effective group member. I discovered that when you become an effective group member you are more likely to help the group become a successful team. I also learned that you do not have to be in charge to be a leader in a group of others. Everyone in the group should help lead it to success, and that leadership can and will shift and change over the course of the project. In the end, I understand that group and teamwork are part of the everyday work life of every legal professional working in the 21st century. I cannot avoid group and team work. Not by being a lawyer. Not even by being a law professor. Most important, I learned that I do not want to avoid small groups or teams any longer.

Now I understand why I should have embraced working in groups and teams long ago. I still believe that it is far easier to talk about the value of teamwork (or put it on a poster or coffee mug) than to do it. However, I know now that when collaborative work is done thoughtfully, the group likely will create better work than an individual working alone. Moreover, there is great pleasure in working with thoughtful, funny, and talented individuals when you have systems and skills for managing conflict and work on building relationships. My personal and professional life has been enriched by working on the team that produced this book. As a result, I no longer dread collaborative work. In fact, given the right situation (see the material that follows, not all work is suited for collaboration), I seek it out. One more thing: I now play ice hockey on women's teams. It is never too late to learn new skills.

*Eileen A. Scallen,  
St. Paul, Minnesota. February, 2013*

# Acknowledgments

My Myers-Briggs type is INFP. You can learn more about what that means when you read Chapter 2. But one thing it means is that I first prefer to think about and communicate “the big picture.” My personal life and my career as a lawyer and law professor have been shaped by the many large and small organizations through which I have learned to work collaboratively—whether I wanted to or not. I cannot begin to name them all here, but here are some of the most influential: the graduate and professional schools to which I have belonged as a student, administrator, and faculty member, the University of Minnesota, Twin Cities (Communication Studies and Law), the University of California, Hastings College of the Law, and William Mitchell College of Law; my former legal employers, the Chambers of the Honorable A. Wallace Tashima, then-U.S. District Judge for the Central District of California, and the law firm of Latham & Watkins; my pro bono and public service clients, Twin Cities Pride, OutFront Minnesota, and the National Center for Lesbian Rights; and, most recently, my women’s ice hockey teams, to date, Babes on Blades, the Bombers, and Penalty Box (“Go Boxers!”).

Zooming in from the big picture, there are individuals who I proudly count as honorary teammates on this book project. Anthony Robb-John hatched and developed the idea for this book with me, as I discuss in the Preface, and supported me throughout the process of writing it. My former colleagues at William Mitchell College of Law, Dean Harry Haynsworth and Vice Dean Matthew P. Downs, supported this project enthusiastically from the beginning—demonstrating strong collaborative skills themselves! The administrators and editors at Carolina Academic Press embraced this book when other publishers rejected it, saying, “But no one has written about that, how would we market it?” Cal Bonde and Linda Thorstad at the Faculty Publications De-

partment at William Mitchell College of Law prepared the manuscript for publication with grace and the utmost professionalism. Cody Zustiak, William Mitchell College of Law '13, provided research assistance and copy editing with efficiency and cheerfulness. The staff of the library at William Mitchell College of Law sought out information and interlibrary loans, helping with social science and management theory research far beyond the typical law school resources. My friends and family, the most important groups in my life, especially Marianne Norris, my life partner, provided the love that sustains me through good times and bad. Finally, my co-authors on this book, Sophie Sparrow and Cliff Zimmerman, have taught me more than they will ever realize about the importance and joy of legal professionals working well together. Thank you, all of you.

*Eileen A. Scallen, St. Paul, Minnesota, February 2013*

My deep thanks go to the many attorneys who graciously and generously spoke to me about their collaborative experiences in practice; you inspire me to continue teaching students about effective collaboration. I also deeply appreciate the support of the University of New Hampshire and the assistance of Matthew Burrows, JD '13, in preparing this book. And I am extremely grateful to my family, Chris, Kai and Silas, for all their support and patience while I was working on this book. Above all, I thank my many students who have engaged in multiple kinds of groupwork and teamwork and taught me more than I could ever have learned on my own.

*Sophie Sparrow, Concord, New Hampshire, February 2013*

Every group writing effort has been both challenging and rewarding for me. And I would not trade those experiences because the rewards are great and enduring. Life is about working in teams. The most gratifying experiences are personal. Thanks to Dea, Ben, and Nina for your ever-present love and support through all my ventures. High on the list are the academic experiences as well. I greatly appreciate the support of Northwestern University School of Law. Even more, I am indebted to the students whom I have taught and who have taught me over the years. In particular I want to thank Adam Hopson JD/MBA '13, for his excellent research and editing. His perspective on the draft read was invaluable. I want to also thank Cameron Mazzetta, Kent State University '14, and Nina Zimmerman, Kenyon College '14, for their research during the summer of 2011. Their efforts combined with their desire to learn and pressing me to help them understand collaboration provided yet another enlightening group work experience.

*Cliff Zimmerman, Chicago, Illinois, February 2013*