Collaborating with Students as Co-Authors

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I. INTRODUCTION

Most law professors seek to maximize the effectiveness of the learning processes of their students, hoping to inspire them to learn skills, gain knowledge, and enhance their sense of justice. The purpose of this article is to describe one process of collaborating with students to produce a casebook to be published after the conclusion of the course. I have written two published casebooks, with significant portions of each book written by students as contributing authors. Aviation Law: Cases and Problems was written while I was a visitor at Roger Williams Law School in Rhode Island in 2003. Mergers & Acquisitions: Cases and Problems was written while I was on the faculty at Albany Law School in New York in 2006. Many professors have used research assistants to the extent that the student’s contribution merited a co-author credit. This article will expand on this method, where the students in a seminar class collaborate with the professor to produce a published casebook. The method could also be used, with some modifications, to create a textbook, article, or other published work, with a similar learning experience for the students.

II. THE PROCESS OF COLLABORATION AS A METHOD OF TEACHING

1 Visiting Associate Professor, University of Massachusetts School of Law Dartmouth. This article originated with a discussion I facilitated at the conference entitled “Value of Variety: Reflecting on Our Teaching,” by the Institute for Law Teaching and Learning, June 25-26, 2012.


Many law schools and professors are examining the effectiveness of their teaching methods and analyzing how students learn. This may be due, in part, to the recent criticism of how law schools teach. Most professors accept the premise that employing a variety of teaching methods facilitates learning by our students. Most of us attempt to add variety to our classrooms with hypotheticals, written quizzes, oral presentations by students, practical skills problems, and other exercises. Many schools teach practical skills through clinics, internships and externships, adding variety to their students’ experience.

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5 William M. Sullivan et al., Educating Lawyers: Preparation for the Profession of Law 12-13 (2007) [hereinafter Carnegie Report]. The Carnegie Report focused on how law schools need to teach the three apprenticeships-cognitive, practical, and ethical. See id. at 13-14; Although law schools teach analytical skills well, these skills may be taught in a way that is difficult to relate to working with clients and developing a professional identity. See Carnegie Report, at 87, 126-27. See also Anthony Niedwiecki, TEACHING FOR LIFELONG LEARNING: IMPROVING THE METACOGNITIVE SKILLS OF LAW STUDENTS THROUGH MORE EFFECTIVE FORMATIVE ASSESSMENT TECHNIQUES, 40 Cap. Univ. Law Rev. 149 (2012).


7 See Gerald F. Hess, Value of Variety: An Organizing Principle to Enhance Teaching and Learning, 3 Elon Law Review 65, at 65 (2011) (“Variety in educational goals, teaching methods, materials, feedback, and evaluation can enhance legal education.”). See also Eric A. DeGroff and Kathleen A. McKee, “Learning Like Lawyers: Addressing the Differences in Law Student Learning Styles, 2006 Brigham Young University Education and Law Journal 499, 535 (2006) (“Those who have considered the question of learning style have criticized the predominant law school approach for its “general orient[ation] toward only one type of learner.” Its “exclusive focus on linguistic and logical skills,” they say, gives an undue advantage to students of particular personality types or learning styles and creates unnecessary obstacles for a growing number of law students with non-traditional traits. To reach these non-traditional students, professors must learn to teach in a manner compatible with a broader variety of learning styles.”) (footnotes omitted).


9 See American Bar Association Section of Legal Education and Admissions to the Bar: Report of the Task Force on Law Schools and the Profession: Narrowing the Gap, Legal Education and Professional Development- An Educational Continuum at 234 (ABA 1992) (hereinafter the “MacCrate Report”)( “The skills of “problem solving,” “factual investigation,” “communication,” “counseling,” “negotiation,” and “litigation” are being taught in many, perhaps most, law schools in ways that emphasize the conceptual underpinnings of these skills. While even well-structured law school clinical programs would rarely be able to duplicate the pressures and intensity of a practice setting, law schools provide a unique opportunity for exposing students to the full range of these practice skills, an opportunity that might not be readily available in actual practice.”
While this article only describes one end-result, the creation of a casebook, the process of creating that book involves many different teaching methods, thus many different opportunities to address students’ differing learning styles.\textsuperscript{10} In my experience, this process is rarely used by professors. My suggestion is that writing a book or other publishable work with your students not only adds variety to the teaching methods to which they are exposed, but has other benefits for both the professor and the student. The relationship becomes one of collaborators rather than teacher-student. My former students have benefitted from the enhancement to their resume. Most students told me that it was one of the more rewarding experiences of their law school career.\textsuperscript{11} I have benefitted from the encouragement, enforced deadline, inspiration, and quality contributions from my students.

Each student in my course was expected to do the following:

- Write a chapter to be published, including at least three featured cases, edited to approximately five pages, plus four notes for each case with references to at least five other cases, and one essay question;
- Write the accompanying chapter of the Teacher’s Manual, with summaries of each featured case, explanations of the notes, and answers to the essay question;
- Present the chapter topic to the class, facilitating a discussion. Student presentations were thirty to sixty minutes long. Preparations for this presentation, as well as the actual presentation, may have been the most effective learning tool in this process.\textsuperscript{12}

\textsuperscript{10} Aida M. Alaka, “Learning Styles: What Difference do the Differences Make?”, 5 Charleston L.Rev. 133, 171 (2011) (“By considering the diversity of learners in their classroom, law faculties are developing creative and active exercises designed to enhance the acquisition of critical legal skills.”)
\textsuperscript{11} See Alaka, supra note 10, at 172. (“The more that law students are exposed to active teaching techniques, the more likely they are to be engaged in their classrooms.”)
\textsuperscript{12} Robin A. Boyle and Rita Dunn, “Teaching Students Through Individual Learning Styles,” 62 Alb. L. Rev. 213, 231-32 (1998). (“Kinesthetic learners may also benefit from teaching the material assigned to the class to other
have shown that students gain a more in-depth knowledge of a subject when they teach the topic to other students, which they were required to do both in their written chapter as well as their classroom presentation; and 13

- Edit two other chapters, assisting the student-authors with editing, proofreading, and research. This editing will take some, but not all, of the burden off the professor, as editor, while enhancing the confidence and competence of the students.

III. WHY COLLABORATION IS AN EFFECTIVE TEACHING METHOD

The added value of working with students as collaborators is multi-faceted. The theory of behaviorism proposes that students learn when an environmental stimulus causes an appropriate response, reinforced by feedback. 14 The collaboration among students provided feedback when the students presented their materials in class and assisted classmates in editing their chapters. The environmental stimulus of expecting their work to be published, and working collaboratively on a group project encouraged them to do their best. They were determined not to disappoint me or their colleagues.

Unlike so much of the law school experience, competition was not a part of this endeavor. The experience of working collaboratively with colleagues is much more similar to the anticipated experience of working in a law firm, rather than the artificial environment of law school competition caused by class rank and grade curves. Learning to work as a team to create a

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complex finished product teaches students skills in communication, cooperation, negotiation, and management.

Cognitive Learning theories, which are currently dominant, 15 focus on the sensory input, which lead to selective perception, only a small portion of which is stored as long-term memory. 16 Information that is more deeply processed is more likely to be remembered longer. 17 Students in my classes were required to deeply process all information in their chapters, by researching their subject to identify appropriate case law and statutes, analyzing those cases, summarizing those cases in the teachers’ manual, creating essay questions, comparing to other cases, presenting before the class, and editing their writing. They were required to meet individually with the professor several times during the semester, with intense individual attention. They spent an entire semester intensely involved in their chapter subject, often working independently. They likely will remember this subject much longer than a student who merely reads and discusses cases in a traditional class, because of their active and varied involvement.

Metacognitive theories of learning, where students are encouraged to actively participate in their learning process and the methods that work best for their individual learning style, support the process of collaboration. As stated by Miriam Felsenberg and Laura Graham, “...the student who expects to be a passive vessel for knowledge supplied by expert teachers is less likely to be successful than the student who carefully monitors her own learning process.” 18 Collaboration

15 See Gerald Hess, supra note 7, at 67.
16 Smith & Ragan, supra note 14, at 27.
17 Id.
18 Miriam E. Felsenberg and Laura P Graham, “A Better Beginning: Why and How to Help Novice Legal Writers Build a Solid Foundation by Shifting Their Focus from Product to Process,” 24 Regent University Law Review 83, 96-96 (2011-2012). (Encouraging legal writing professors to focus on the process of legal analysis rather than the finished product of a sophisticated legal memo. Although my collaboration appears more product-oriented at first blush, because the published book was the end-product, the process that went into the production of each chapter was where the learning occurred. )
requires an active involvement of the students at each step. Students could not sit passively while lectured by a professor or even another student, because each student became the expert in her own chapter subject, instead of reading an assigned casebook. Students were required to independently develop the materials from which they would learn the legal foundation of their chapter subject. Classroom discussions among the students were lively, where each student’s expertise in their subject was added to the mix of classroom knowledge. Students had the freedom and flexibility to work at their own pace and in their own style, with an end result of a completed chapter as the goal. Some interviewed experts in the field, most used computer research, many asked questions and became involved in discussions when we toured airports or attended the symposium.

Scholars have suggested the use of scaffolding of taxonomies, where students are given specific goals for the stages of learning the skills, as a method of teaching legal analysis in legal writing.19 This was my intent in encouraging students to attend a symposium which I organized early in the semester, where they could obtain an overview of the various subjects encompassed in the topic. My first few classes were similarly intended as introduction to the simpler concepts of the topic. We added to this knowledge by building on their skills as writers, which was a familiar skill from first year writing courses. We then built upon these skills by requiring a classroom presentation and editing the work of a classmate. At each stage, the students met with me individually to assess their progress. This provided not only feedback on their progress, but also individual attention. Because the class was not designed around a final exam, the students were given multiple goals in stages dependent on their research and knowledge progress.

19 See Christine M. Venter, “Analyze this: Using Taxonomies to “Scaffold” Students’ Legal Thinking and Writing Skills,” 57 Mercer L. Rev. 621, 635 (2006). (Suggesting professors should identify “in a hierarchical manner the various developmental stages of cognitive development,” thus allowing “teachers to “scaffold” student's thinking by building on each level in an increasingly complex way.”)
Kinesthetic learners, who learn best by movement and actions, were assisted by this process because they actively created the materials from which they would teach themselves the subject matter. Unlike other courses, where students are handed a book to passively read, these students were actively involved in the selection of cases, the scope of the subject matter, and the format of the chapter. Presenting to the class involved using the blackboards or slide projectors for power point presentations, as well as visual aids. Touring the airport and interacting with professionals at work helped my aviation students who were able to touch radar screens, luggage carriers, and other equipment. My merger students were involved in setting up the symposium and interacting with the presenters. Active involvement was much more the norm in this class, rather than passive listening.

The emotional difficulties and confidence shattering impact of the law school experience as been well documented. The favorable impact of this collaboration effort on my students’ confidence level was significant. They were encouraged to become experts in their subject, with the professor readily admitting to a lesser degree of knowledge. The students had the experience of educating and entertaining their classmates with a classroom presentation. Drafting a teachers’ manual that would be used by professors at other law schools was also a confidence builder. Editing the work of other students reduced the competition factor, encouraging cooperation. Most importantly, the students had the opportunity to see their names in print on the finished product and to add this accomplishment to their resume.

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20 See Robin A. Boyle and Rita Dunn, supra, note 12.
21 See Paula Lustbader, “You Are Not in Kansas Anymore: Orientation Programs Can Help Students Fly over the Rainbow,” 47 WASHBURN L.J. 327, 344 (2008). (Noting that many students, especially those with different learning styles or who come from diverse backgrounds, “have a harder time” and often “begin to doubt whether they are meant to be lawyers.”).
The fact that this course was different from all other courses offered by the law school at the time made the course appealing to students and also valuable as a learning tool. A variety of learning methods, instructional materials, assessment, and teaching styles assists students in learning the skills, values, and professional knowledge for a legal career.  

Each of the above learning theories encourages active participation by the student, feedback on student progress, and self analysis of competency. The process of collaboration encouraged each of these processes with an end result beneficial to both student and professor.

### IV. THE PROCESS OF CREATING A CASEBOOK

Although each of the steps I took could be modified, enhanced, or eliminated to suit the needs and desires of the professor, the following are the steps I used for both of my casebooks.

*Aviation Law: Cases and Problems* was written while I was a visitor at Roger Williams Law School in Rhode Island in 2003. *Mergers & Acquisitions: Cases and Problems* was written while I was on the faculty at Albany Law School in New York in 2006. Both of these casebooks were the result of a seminar class where students were expected to learn the doctrinal subject as well as collaborate in the writing of the book.

**A. Determine the Topic.**

First-year courses are probably not an appropriate topic for a casebook to be written by students, because first-year students are not capable of producing a quality chapter. While it may be

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22 See Gerald Hess, supra note 7, at 65.
possible to have an upper level writing course where upper level students write a book on a first year topic that they have already studied, I think this undermines the concept of using collaboration as a teaching method; the students would be learning how to write but perhaps not learning a great deal more about a subject matter they have already studied. My goal was to introduce them to a new subject matter which they had not previously studied, so that they could get credit for a new course, while using the book as an effective and creative method for them to learn the new topic.

In 2003 I was in the enviable position of being asked what I would like to teach. I was a visitor at Roger Williams Law School, having been hired to cover a UCC course, among other courses. Another professor was identified to teach the UCC course during my second semester there, hence I was given some flexibility for my second course. I had earned my private pilot’s license nearly a decade earlier, and was eager to combine my two passions of flying and law. When I looked for an Aviation Law case book to use for the class, there were none. This dearth of competition made it a much easier sell to my publisher.

I suggest that the ideal topic may be an upper-level elective course for which there are currently relatively few casebooks on the market. The topic should be one which fascinates you, since you will be living with it for a while, and one in which you have both fundamental knowledge and a unique outlook, so that you can add to the field of knowledge in the topic.

B. Draft the Table of Contents.

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The table of contents will be used as the syllabus for the course. It will also determine the number of students who can be involved in this project, and enrolled in your course. If your book has only ten chapters, then you probably cannot have more than eight student co-authors, because you will need to write at least two chapters, as explained below. Chapter subject should be divided as equally as possible, so that chapters can be nearly equal in length and complexity. Sub-topics may be better treated as separate chapters. My aviation book has nineteen chapters, and my mergers book has thirty chapters.

C. Draft at Least One Sample Chapter.

You will need a sample chapter to send to potential publishers. Some publishers prefer that this be something other than the introduction. You may want to choose a subject that would be too complex for a student to handle. Alternatively, you may want to choose a simpler subject, because this will probably be the first chapter you will assign to your seminar students to be discussed during the early weeks of the course.

D. Find a publisher.

Most publishers will want to see a table of contents and at least one sample chapter, as well as your personal qualifications. It will help if your publishing contract is signed prior to student registration for the course. I found it added credibility to be able to assure the students that their hard work on a chapter would indeed be published.

There are far fewer case book publishers than law review publishers, so be aware that you will not want to burn any bridges. Submit only your best work. In addition to the giants like Wolters Kluwer and Aspen, remember the smaller publishers like Carolina Press. William S. Hein & Co. published both of my books.
If you have a choice of more than one publisher, consider the following:

- Consider the format of the finished work. Some publishers will publish in paperback or on-line. I elected to go with the publisher who would print it in hard cover.

- Consider the percentage of royalties. Ten percent of sales is common, but some are as low as seven percent, and many deduct their costs of printing before royalties accrue. Be aware that you will probably not get rich from publishing a legal casebook. My annual royalty check from each book has been under $100 some years.

- Consider whether you will be sharing your royalties with your contributing authors. I told my students that I would not bother chasing them down years after graduation unless their share of the annual royalties exceeded $100. It never has.

- You may want to negotiate additional complementary author copies of the book for all your students. It is common to receive only two or three free author copies, but you will probably want each of your students to receive a free copy. I also negotiated for additional copies at half-price, in case a student wanted more than one to share with parents, spouses, or others.

- When agreeing to a deadline with the publisher, recognize that although students will be submitting their chapters by the end of the semester, you will need months to edit and proofread, as well as time to write any additional chapters that were not assigned to students.

I. Plan a Conference, Symposium, or Tour
I wanted my students to have a general understanding of Merger and Acquisition issues before they began drafting their chapters. In order to frontload their absorption of the material, I planned a symposium in early September, a few weeks after classes began. I invited former colleagues, friends, alumni, and experts I had met at other conferences I had attended. The administration of Albany Law School was supportive, as I think most schools would be. Symposiums enhance the reputation of the law school, provide a continuing education benefit to alumni, and have some public relations value. Speakers were not difficult to find, as most were working at firms that would give them pro bono credit, or teaching at other law schools for which their participation would be a c.v. enhancement. I also invited several of the speakers to contribute a chapter to the book, using their lecture notes from the symposium as a start. One or two took me up on that.

The format of the symposium was one day, 9 am to 5 pm, with each speaker allotted approximately one hour. Some chose to speak as a panel, which added variety. I required all the students in my seminar to attend as much of the symposium as did not conflict with their other classes. All other students and faculty were invited to attend, as well as alumni and the general public. I believe we decided not to charge a fee, and offered a free lunch. Schools with smaller available budgets could certainly decide otherwise.

For my aviation students, I did not plan a symposium, but instead took them on a tour of the local airport, T.F. Green Airport in Providence, Rhode Island. As the only law school in Rhode Island, Roger Williams carries a certain cache, and we were given royal treatment. The airport manager personally took us around the airport, showing us the backroom operations of the security systems, luggage handling, and other airport operations. He informed us that air traffic control was not within his authority, as the manager of a state owned airport. Air Traffic control was under the jurisdiction of the Federal Aviation Administration (FAA), thus he could not
assure our access. Notwithstanding his reticence, the FAA employees in the air traffic control tower were more than welcoming, explaining their duties, equipment, and challenges. 

Although it could be argued that a tour of an airport may convey minimal legal knowledge to students, many of the students asked pertinent questions and became engaged in lively discussions to increase their knowledge of the operations of air traffic controllers and responsibilities of the Federal Aviation Administration. It also helped the students to understand their subject in context. Most of my students enjoyed the adventure and remembered it fondly.

E. Select a few students as early presenters.

Although you will be presenting the chapters you have written during the first few class meetings, most of your class meetings will include student presentations. Because these presentations cannot all occur during the last couple of weeks of classes, you will need to prepare some students to present earlier in the semester. I chose students I knew and asked them during the break, long before the class commenced. Their reward was that they completed most of their work for this course early in the semester.

F. Allow students to select a topic from your Table of Contents as soon as they register for the course.

Early selection of topics allows students to start the process early, and rewards those who register early. You can now start assisting by providing each student with relevant cases, articles, and

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27 The FAA began their presentation by showing us a heart-stopping video of actual events from a controller’s viewpoint on September 11, 2001. Very soon after the attack, every plane in the air was required to land at the nearest airport as quickly as possible. Notwithstanding the emergency, with nervous pilots forced to land at unfamiliar airports, causing a ten-fold or more increase in the work of the air traffic controllers who are responsible for separating all those planes, there was not a single collision on that day.
materials. I gave each student a citation to at least one key case relevant to their topic, as well as recent newspaper, magazine, or journal articles.

G. Identify and explain the expectations of each student in the course, with appropriate deadlines.

I required each student to meet with me individually several times during the semester, at times they selected. Each individual meeting coincided with a deadline for a particular stage in their preparation. I met with them first when they identified and selected the cases they would use in their chapter; again when they had a draft of the chapter; a third time when they were preparing to present their chapter to the class; and a fourth time to go over the final draft of their chapter. They were allowed to work independently within these deadlines. The individual attention was helpful to students whose learning style did not comport with the more common large law school classroom.

H. Edit.

Unlike law review articles that are proofread and edited repeatedly by a team of student editors, your publisher will not edit your casebook. You must present your publisher with camera-ready copy. This means if you don’t find the typos, they will be printed. Consider hiring a professional editor. I was given permission by Albany Law School to use some of my faculty expense allowance to hire a professional editor. My editor, Victoria Wright\(^\text{28}\), proved her worth in the first sentence of the book. I had written “This brook is dedicated to….” Regardless of how

\(^{28}\) Victoria Wright, Bookmark Services, [http://bookmarkservices.net/](http://bookmarkservices.net/).
many times I had read that sentence, or spell checked it, I did not notice that I had substituted “brook” for “book”. This is why I recommend that you should hire a professional editor.

I. Combine all chapters into one document and email to your publisher.

I was amazed that an entire book could be sent as an email attachment. Long gone are the days when an author protectively coddled his hand-typed manuscript, and became hysterical if a page was damaged or lost. Obviously, you need to protect your documents by saving it in multiple formats on multiple computers. I know there are more hi-tech ways of doing this, but I emailed the entire book to several trusted friends.

J. Celebrate.

I suggest a signing party where all of the contributing authors gather to autograph one another’s books. I wish we had done this, but, alas, my students had scattered to the four winds before we received our author copies.

V. CONCLUSION

Students learn best when they are allowed some independence, actively participate in the learning process, and are proud of the finished product. Collaborating with students to produce a casebook provided this environment.