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# Public Interest Research, Collaboration, and the Promise of Wikis

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## Public Interest Research, Collaboration, and the Promise of Wikis

By Tom Cobb

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One of my central goals in teaching law is to help students find ways to apply their emerging analytical powers and professional skills to promote the public interest. A related goal is to create an engaging learning experience in which students see each other—and other members of the legal community—as key resources in their education.<sup>1</sup>

To help accomplish these goals, I have been formally and informally collaborating with clinics—the traditional home of public interest law and collaborative learning in most law schools—to find ways to infuse my legal writing classes with clinical methods and values.<sup>2</sup> Last year, for example, I offered an advanced legal writing course that operated as a “research wing” for three clinics. Students worked in small groups to complete

several larger capacity-building projects that the clinics requested—including a litigation guide for post-conviction cases and a comprehensive desk book analyzing the Washington Supreme Court’s approach to statutory construction. When time permitted, these teams also took research requests from clinicians and their students related to ongoing litigation.

This year, I also drew inspiration from the clinics. But instead of collaborating directly with clinical faculty, I consulted with Michele Storms, director of the UW’s Gates Public Service Law Program, and decided to offer a course in which first-year law students would research a complex legal and policy problem from the Northwest Justice Project, one of Seattle’s legal services offices.<sup>3</sup> This course became a hybrid between a legal writing

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<sup>1</sup> This goal is shared by creative colleagues in the law school and the Gallagher Law Library.

<sup>2</sup> This approach has been gaining currency. See, e.g., Michael A. Millemann & Steven D. Schwinn, *Teaching Legal Research and Writing with Actual Legal Work: Extending Clinical Education into the First Year*, 12 *Clinical L. Rev.* 441 (2006); 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); Rebecca A. Cochran, *Legal Research and Writing Programs as Vehicles for Law Student Pro Bono Service*, 8 *B.U. Pub. Int. L.J.* 429 (1999); Brook K. Baker, *Incorporating Diversity and Social Justice Issues in Legal Writing Programs*, 9 *Perspectives: Teaching Legal Res. & Writing* 51 (2001); Miki Felsenburg & Luellen Curry, *Incorporating Social Justice Issues into the LRW Classroom*, 11 *Perspectives: Teaching Legal Res. & Writing* 75 (2003). In fact, the Legal Writing Institute recently established a Committee on Cooperation Among Clinical, Pro Bono, and Legal Writing Faculty, which has surveyed legal writing professors to identify examples of collaboration, including hybrid legal writing courses. See <[www.lwionline.org/survey/cooperation.asp](http://www.lwionline.org/survey/cooperation.asp)>.

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<sup>3</sup> At our former dean’s suggestion, we recently instituted an innovative elective system within our first-year legal writing program. During the first two quarters, students take a five-credit course sequence emphasizing case analysis, statutory interpretation, and legal research. During the third quarter, students choose a one-credit capstone research and writing project addressing, among other topics, appellate advocacy, trial motion practice, professional responsibility, or public interest law.

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Mary A. Hotchkiss

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## From the Editor: With Gratitude

Long-time columnist Donald J. Dunn has retired from the *Perspectives* Board. Don joined the original board in 1992. His bibliographies on legal research and writing appeared in every issue of the first 15 volumes. This feat is remarkable considering Don's academic journeys, from law librarian to law school dean (twice). See Donald J. Dunn, *From Librarian to Dean to Librarian, or to Hell and Back*, 93 *Law Libr. J.* 391 (2001). We are grateful for Don's many years of service, contributions to the academy, and his friendship. Don is truly a rose from Tyler, Texas.

*Perspectives* welcomes two new board members: Elizabeth (Beth) Edinger and Kathryn (Katy) Mercer.

Beth Edinger is the Associate Director of the DuFour Law Library, Columbus School of Law, at The Catholic University of America in Washington, D.C. She previously served on the library staffs of Yale University, Rutgers University, and the

University of California, Berkeley (Boalt Hall). Beth received her J.D. from the University of Buffalo and her M.L.I.S. from the University of Washington. Beth is the co-author of *Finding the Law* and *The Legal Research Survival Manual*.

Katy Mercer is an Associate Professor at the Case Law School at Case Western Reserve University in Cleveland, Ohio. She began teaching legal writing in 1984. Katy received three graduate degrees from Case Western Reserve University: a J.D., an M.S.S.A. (Masters in Social Science Administration), and a Ph.D. in Social Welfare. Katy has served on both the Legal Writing Institute Board and the editorial board of the *Journal of the Legal Writing Institute*. She has written in the areas of family law and legal writing.

As always, we welcome comments and submissions by you, our readers.

—Mary A. Hotchkiss, *Perspectives* Editor

continued from page 1

class and a community lawyering clinic,<sup>4</sup> and I think it offers an especially viable approach to integrating public interest work and collaborative learning into a first-year legal research and writing curriculum.

### Finding a “Wicked Problem”<sup>5</sup>

The first step in organizing my class was to obtain a suitable problem. I wanted to challenge the class to develop strong research and problem-solving skills

that drew upon, but extended beyond, the case and statutory research they were accustomed to doing in the first two quarters of law school. I also wanted to help build the students' collaboration and problem-solving abilities. For these reasons, I hoped to find a problem that was sufficiently complex for a class of approximately 30 students to work on at once and whose solution might lie beyond litigation—perhaps requiring policy making or educational initiatives. As is true at many other law schools, our first-year curriculum emphasizes litigation and does not address explicitly these aspects of public interest advocacy. So, these topics seemed to be appropriate components of an elective legal research and writing course at the end of the first year.

Attending a staff meeting at the Northwest Justice Project (NJP), I explained that I wanted to direct the energy of a class of first-year law students toward solving a pressing legal and social problem instead of having them work on a fictional legal research and writing problem that, theoretically,

<sup>4</sup> See Antoinette Sedillo Lopez, *Learning Through Service in a Clinical Setting: The Effect of Specialization on Social Justice and Skills Training*, 7 *Clinical L. Rev.* 307 (2001) (describing community lawyering approach in clinical setting).

<sup>5</sup> Wicked problems “lack a single, agreed-upon formulation or well-developed plans of action, are unique, and have no well-defined stopping rule, because there are only ‘better’ or ‘worse’ (rather than right or wrong) solutions. Closure is often forced by pragmatic constraints (e.g., managerial or political) rather than ‘rational scientific’ principles.” Simon Buckingham Shum, *The Roots of Computer Supported Argument Visualization in Visualizing Argumentation: Software Tools for Collaborative and Educational Sense-Making* 12 (Paul A. Kirschner, Simon J. Buckingham Shum & Chad S. Carr, eds. 2003). Many researchers believe that wicked problems are best solved collaboratively.

“I wanted students to experience the sense of disorientation and possibility that comes when a legal professional receives an open-ended, collaborative assignment. . . .”

any one of them could solve alone. I asked these public interest attorneys to dream about large, capacity-building projects requiring research and analysis that they hadn't had time to do: What sort of project would they undertake if they had a large group of research assistants working along with a law faculty member and reference librarian?

I found a willing accomplice in Eric Dunn, an attorney who had specialized in landlord-tenant cases and had come up against a category of cases that was truly frustrating: cases in which people with a disability called “compulsive hoarding and cluttering” were being evicted from their homes.<sup>6</sup> As Eric explained, these cases were devastating because these clients had among the strongest theoretical defenses to eviction based on anti-discrimination and fair housing laws. But these defenses often didn't work because the clients generally were not able to clean up their homes in time to comply with court orders. Moreover, even if they could clean their homes in time for the court-imposed deadline, they were rarely able to keep them clean. These cases were so difficult that, despite the availability of strong legal defenses, Eric felt compelled to decline representation in a number of cases because he did not think he would be able to help. From Eric's description, this problem seemed as if it would involve not only traditional legal analysis but also an analysis of gaps in the law. Its solution would require value-laden debates about how to frame the problem and about which possible solutions were the best. For those reasons, it seemed particularly well-suited to my experiment with large-group collaboration.

Soon after my meeting with the NJP staff, Eric sent me a packet that consisted of a long cover letter explaining what hoarding and cluttering was, the legal and practical problems he had encountered representing people suffering from this disorder, and some leads on potential solutions. The packet also contained PowerPoint slides from conferences

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<sup>6</sup> Psychologists have defined compulsive hoarding and cluttering as “the acquisition of and saving of possessions that have little or no value, or have some perceived value, and that the person has great difficulty discarding.” Fugen Neziroglu et al., *Overcoming Compulsive Hoarding* 1 (2004).

he had attended on this subject, and some sample letters he had used in negotiations with landlords and the public housing authority. He wanted us to help expand his research by gathering as much information and legal material on the topic as we could and to brainstorm legal and policy-based solutions. He hoped that we could help him develop an approach to these cases that was better than merely turning down representation and watching a potential client lose his or her home.

### Presenting the Project to Students

Because this class was an elective within our first-year research and writing program, and I needed solid enrollment to be able to offer it, I had to think carefully about how I described the class to students. I wanted to prepare the students who registered for the class for the fact that this would not be a typical law class because it would involve extensive collaboration and would be largely student-driven. For those reasons, I drafted a course description that focused on two areas of law that students were likely to know about—disability and landlord-tenant law—and emphasized the social importance of the work that we would do. I also emphasized that I would “serve as a facilitator and advisor to student research teams” and that students would participate in brainstorming, then “self-organize and decide which research avenues to pursue and how to pursue them.” Finally, I emphasized that the writing projects in the class would be collaborative: Students would not just talk in groups and prepare individual papers; rather, they would develop their written work in groups. Approximately 30 students signed up for this course. To be honest, I was hoping for between 15 and 20 students. I was somewhat anxious about how large-group collaboration would play out in practice.

Before the first class, I handed out the packet of materials that Eric Dunn had put together for me. I had resisted the temptation to conduct preliminary research so that I knew what students would find and could direct them more easily to fruitful paths. I wanted students to experience the sense of disorientation and possibility that comes when a legal professional receives an open-ended, collaborative assignment and must, working with a

group, choose and prioritize research paths. I also did not want to shut down students' impulse to think about the problem creatively by suggesting specific strategies or methods—or by conveying a general sense that I knew how this problem should be solved (and, therefore, that they should primarily just look for my solution). In short, I wanted to develop a sense, from the beginning, that students were the primary agents in this class and that, as a group, they were responsible for setting the agenda and constructing solutions.

### Developing a Student-Centered Learning Community

Teaching provides a terrific opportunity to reflect on the learning process. Many of my reflections over the past few years have been shaped by *Teaching with Your Mouth Shut*, a thought-provoking book by Donald Finkel, who taught for many years at the Evergreen State College in Olympia, Washington.<sup>7</sup> Finkel challenges the model of teaching as “information transfer” and develops a number of strategies to place students in a more active role in the classroom. As his title indicates, one of Finkel's key observations is that certain forms of faculty “activity”—specifically, talking too much—can have the unintentional consequence of rendering students less active by turning their primary role in the classroom into that of a passive listener. In Finkel's view, this division of labor harms the learning process. For that reason, Finkel advises faculty members to create an active learning environment that encourages students to take responsibility for the learning process and to interact with faculty and other students as colleagues.<sup>8</sup>

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<sup>7</sup> Donald L. Finkel, *Teaching with Your Mouth Shut* (2000). I am fortunate to have been exposed to Evergreen's innovative ideas and methods firsthand: As an adjunct faculty member at Evergreen, I co-taught a hands-on course for students externing at the legislature and various government agencies in the state capital. This course was open to undergraduate and graduate students at Evergreen and to law students from the UW.

<sup>8</sup> Many law professors are beginning to think about and employ approaches similar to Finkel's. See, e.g., Robin A. Boyle, *Employing Active-Learning Techniques and Metacognition in Law School: Shifting Energy from Professor to Student*, 81 U. Det. Mercy L. Rev. 1 (2003).

Finkel suggests a number of ways for faculty members to rein in their seemingly uncontrollable impulse to talk. For example, he suggests centering the class on inquiry—for example, a problem that hasn't been and cannot easily be solved. He also suggests another—and perhaps more surprising—way to shift authority, agency, and responsibility to students: Instead of teaching the class as an individual, teach it as a team. According to Finkel, team teaching models and promotes collaboration, and makes it apparent to students that even experts differ in their baseline knowledge and their approach to answering a question.

I adopted both suggestions. Because of its complexity, the compulsive hoarding and cluttering problem did a good job of placing inquiry at the center of the class and equalizing the position of faculty and students. I also thought this class would present the perfect opportunity to team teach with a reference librarian.<sup>9</sup> I approached Cheryl Nyberg—a member of the Gallagher Law Library's extraordinary team of reference librarians—and asked if she would be interested in helping me teach this class. I also asked April Bishop, one of my former teaching assistants, who was on the board of our student Public Interest Law Association group, whether she would like to help us.<sup>10</sup> Luckily, they were both intrigued by the challenge of carrying out this unorthodox class.

The team-teaching approach worked very well. From the outset, this class felt different from other law school classes I had taught or attended. I shared

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<sup>9</sup> In our program, we work closely with reference librarians, but we generally don't co-teach classes with them.

<sup>10</sup> I chose Cheryl and April for the following reasons: I wanted to draw on Cheryl's experience and expertise with research strategy, and I wanted to have (and I wanted students to have) the chance to work with her in a collaborative setting on a particularly wide-ranging and difficult problem. How would she go about splitting the problem up? How would she attack it? What tools would she use? When would she say: “We've got enough”? I wanted a second-year law student because this student could model an advanced student's perspective on legal research and problem solving. She could also show that it was safe to communicate with me and the reference librarian as colleagues and submit writing and thinking that was unfinished—important components for a project of this nature.

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“After Cheryl came up with the idea of creating a wiki for the class, I started to realize how brilliantly this collaborative tool complemented my teaching goals.”

authority both with the students and my colleagues, and we conducted the class fluidly, always keeping in mind our primary goal: to maximize our benefit to NJP and its clients. I hardly felt as if I was teaching in any traditional sense. Mostly, I felt as if we had met as a group to pool our knowledge and efforts to solve a pressing problem.

The first class provides a good example of how our student-driven, team-taught model worked. The purpose of this session was to decide as a group how we would tackle the problem. Having read the packet of materials from Eric Dunn’s office, students had a good sense of the difficulty of the problem. I facilitated a class-wide brainstorming session and recorded our ideas in a kind of “mind map” on the white board. Students synthesized the questions and possible sources we had identified. Cheryl then jumped in and resynthesized and organized the ideas we had discussed in a way that tracked with the legal and social science databases that were available. Cheryl’s ability to listen to the discussion and then break the problem down in a way that made sense in relation to available research tools was impressive—and well beyond my ken. Drawing on Cheryl’s work, we made a list of more than a dozen databases that students would need to scour in order to assemble a comprehensive set of sources on the topic of hoarding and cluttering. By the end of class, it became apparent that, to help NJP the most, we would need to research local, state, federal, and international housing and guardianship law and policy; social science publications; and other informal media—such as Web sites, blogs, and nonprofit and governmental organization publications.

Perhaps Cheryl’s most important contribution was her suggestion about how to organize our research. I had planned on using some kind of software—for example, an electronic bulletin board or e-mail list—to help our class post research to a common area so that we could all benefit, in real time, from each other’s work product. During the first class, Cheryl suggested we use a wiki, a Web-based software tool that the reference librarians had used to organize research in their own collaborative work space. Although I was quite familiar with wikis, I

did not think that we would be able to implement one so quickly in this class. But integrating the wiki “on the fly” turned out to be very straightforward, and the wiki’s organic structure proved an ideal collaborative tool for our class.

### Wiki Benefits: Pedagogical and Practical

Even though most people are familiar with Wikipedia<sup>11</sup>—the gargantuan, free, Web-based encyclopedia written collaboratively by volunteer Web users—some people may not know exactly what a wiki is. A wiki is essentially a Web site without a webmaster. In a traditional Web site, a webmaster posts content, which remains static until he or she updates it. Anyone who wants to post or change content on the site has to go through the webmaster. On a wiki, each reader is also potentially a writer because each user is empowered to post or change the Web site’s content.<sup>12</sup>

After Cheryl came up with the idea of creating a wiki for the class, I started to realize how brilliantly this collaborative tool complemented my teaching goals. After all, this was a class in which I wanted to shift a great deal of authority to students. In a sense, traditional teachers are like traditional Web content providers—they supply content, and students receive it passively. I wanted this class to be different. I wanted students to supply most of the content—and I wanted to work with them as an adviser to enhance the quality of the content they created. Moreover, wikis were originated to harness the power of large groups of people for the social good—exactly what we were trying to do.

I also realized that a wiki would be an ideal learning tool from another perspective. In our legal research and writing program, we work hard to create situations in which students do not feel as if they

<sup>11</sup> See <[www.wikipedia.org](http://www.wikipedia.org)>.

<sup>12</sup> A number of Web-based versions of wiki software are currently available, for example <[www.pbwiki.com](http://www.pbwiki.com)>, <[www.wetpaint.com](http://www.wetpaint.com)>, and <[www.socialtext.com](http://www.socialtext.com)>. In our case, the UW law library’s IT department installed wiki software on the law school’s server. Because maintaining a wiki on an institution’s server involves significant IT support, it is probably more practical in most cases to use a Web-based wiki, which works just as well and requires no IT support.

are writing for the teacher. We try to instill in them the sense that they are writing for a professional audience—one that shares many characteristics, expectations, and demands in common, but also one that permits students to exercise analytical agency and leaves room for creativity and voice, as well. When students are able to sense the constraints and freedoms of this communicative scenario, it is a sign that they are emerging as professionals with a voice of their own. But this professional transition is often difficult, because the pedagogic structure—the hard fact that students are turning their work into a faculty member for a grade—disrupts the notion that they are writing for a more generalized professional audience.

Wikis have the potential to facilitate this professional transformation because they offer a real, albeit indistinct, audience that includes students in the classroom and other community members working on the project, but could also extend to much more general audiences.<sup>13</sup> Students *are* “publishing” when they write on a wiki. This Web publishing enabled students to imagine their audience without generating the degree of audience anxiety that can shut down writing. The fact that we were writing for Eric Dunn and other lawyers when we wrote on the wiki helped crystallize this notion of a professional audience.

In addition to these theoretical pluses, the wiki had tremendous practical benefits. The wiki enabled nearly 30 students and three teachers to share a work space, upload documents, and memorialize thoughts about the same problem and to do so concurrently. After the first class, we decided that we would break up into groups to complete the initial research. We started out with a lofty goal: On the social science end of things, we pledged to find everything that existed on the Web or in the University of Washington’s numerous libraries and databases that related to cluttering or hoarding; on the legal end, we promised to assemble a

comprehensive list of cases involving compulsive hoarding and cluttering. Finally, we decided to focus on major metropolitan areas in the United States (and key international locations) to find out how various jurisdictions had dealt with the eviction of compulsive hoarders or clutterers and what different structures for guardianship existed. We allowed room for this research agenda to expand as needed depending on what students found.

Even with 30 students, this research seemed to be an enormous undertaking. However, with Cheryl’s guidance, students’ hard work, and the support of our wiki, the research proved achievable. Students began posting their research immediately and also posted or e-mailed helpful search terms to the rest of the class. After two weeks, students had posted and summarized enormous numbers of articles, statutes, cases, Web sites, video clips, etc.—all relating to our topic. The wiki “held” all this material in a shifting, organic structure, rich with internal and external hypertext links. The rate at which we assembled this material was staggering. We were all, I think, surprised at our power as a group to assemble research and develop knowledge on this topic. We did something together very quickly that might have taken one of us—even an expert—months or more to do alone.

### From Research to Work Product

After a couple of weeks of intensive research, the class decided to take a week to read the wiki and a broad selection of the material posted on it to prepare us to produce a set of materials for NJP. We had a free-form class in which students talked about their most interesting discoveries; we played some of the multimedia that students had found; and we talked in general about what we could do as a group to support attorneys, like Eric Dunn, who represented compulsive hoarders and clutterers facing eviction.

For me, this was one of our most rewarding meetings. I felt as if, as a class, we had faced the complexity of a very difficult legal and social problem, realized how hard it would be to take even a small step forward, and decided to try to take that

“The wiki enabled nearly 30 students and three teachers to share a work space, upload documents, and memorialize thoughts about the same problem and to do so concurrently.”

<sup>13</sup> In this respect, wikis allow tremendous flexibility in shaping an audience because they enable one to limit (or to decide not to limit) who has access to the work product.

“Throughout the writing process, students drew upon the research posted on the wiki and posted new content as they created it.”

step anyway. After some discussion, expression of frustration with the difficulty of the legal and social problem of hoarding, and the apparent absence of easy and heroic legal solutions, we decided on a four-pronged strategy:

First, we would create a desk book to educate legal professionals about this problem. It would include comprehensive and up-to-date social science background on hoarding and debates surrounding it. It would guide attorneys who were unfamiliar with the problem through the typical litigation steps and defenses. It would educate judges about the seriousness of this much misunderstood disorder and help them understand the need for longer time frames for cleanup (an important part of their reasonable accommodation analysis). Finally, it would contain sample negotiation and settlement letters collected and edited from Eric Dunn and his colleagues so that other attorneys would benefit from their experience.

Second, we would create a set of educational materials to help family members and landlords work as effectively as possible with hoarding tenants. The students' social science research revealed that those suffering from this impairment were often very elderly long-term tenants and that landlords were generally reluctant to evict them. The students decided to write a brochure about hoarding to be distributed to landlords to help them understand the nature of the disorder and how they might take care of their needs without resorting to eviction. Students also discovered that family members were key players in helping those suffering from this disorder keep their apartments clean—and that psychologists had recommended particular strategies to maximize family members' effectiveness. So a second brochure would be aimed at families to help them play as constructive a role as possible.

Third, we would produce what we called a “lobbyist's guide,” which included a policy analysis, suggested policy changes, and model legislation. This guide would summarize and analyze relevant legislation from other jurisdictions and suggest a number of policy changes in

Washington to provide hoarding tenants a better mechanism to avoid eviction.

Finally, we would write two articles. Our first priority was to communicate with legal aid attorneys around the country and educate them about compulsive hoarding and cluttering, helpful legal authority, and potential strategies for advocacy. To this end, we decided to draft an article for the *Clearinghouse Review*, a publication to which most legal aid offices in the country subscribe.<sup>14</sup> We also wanted to exploit the potential connection between more formal scholarship and advocacy: Legal aid lawyers would benefit, we concluded, if they could refer judges and opposing counsel to scholarship that contained, in one convenient place, the law and social science relating to hoarding and cluttering. For that reason, we decided to write a law review article.

The wiki—and other collaborative drafting software, such as Google docs<sup>15</sup>—proved crucial in the second phase of the project. The writing projects we decided to take on were, in some cases, quite large, and students needed to be able to work on them simultaneously, combine and edit each other's text, and share their synthesis of the social science material with each other. Throughout the writing process, students drew upon the research posted on the wiki and posted new content as they created it.

The projects were obviously expansive—in some cases too large to fit neatly within a one-credit class. I attempted to deal with this problem by not insisting that students produce a finished written product by the end of our class meetings. Indeed, we met formally only five times. Students had the remainder of the 10-week quarter to “finish” their

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<sup>14</sup> The article will appear this fall in the *Clearinghouse Review*. See Tom Cobb et al., *Strategies to Fight Eviction in Cases of Compulsive Hoarding and Cluttering*, 41 *Clearinghouse Rev.* \_\_\_\_ (Nov./Dec. 2007).

<sup>15</sup> See <[www.google.com/google-d-s/b1.html](http://www.google.com/google-d-s/b1.html)>. Google docs is one of many free services that enables groups to share word-processing and spreadsheet documents online. Students reported that Google docs was a very efficient way to draft and review legal documents in a team setting.

projects.<sup>16</sup> Many students—particularly those involved in the projects that might lead to publication—became so involved in the project that they continued to work on them after the class was over.

### **Assessment of Student Performance—Problem or Opportunity?**

Given the diversity of our projects and the high level of collaboration we employed, assessment in this course proved challenging, but it was not as unmanageable as one might expect. Assessment is a perennial problem with collaborative projects, particularly in law schools, whose cultures tend to value individual contributions very highly.

The wiki's tracking mechanism could have provided some help with assessment. It records all the changes made to the wiki and therefore potentially allows a faculty member to get a detailed sense of the students' individual contributions to a collaborative work product. However, in our case, this assessment strategy was not viable because some groups of students decided that it would be more efficient for one person to specialize in posting on the wiki. For this reason, the wiki's tracking mechanism did not reliably indicate students' contributions.

The main method that I used for assessment was a portfolio.<sup>17</sup> And, because the portfolio involves a level of self-reflection and synthesis I find valuable, I would probably continue to use this method even if I could rely more heavily on the wiki to track individual contributions. The portfolio consisted of a one- to two-page cover letter explaining the nature and extent of a student's contribution to the research and the final projects. It also included evidence to support this explanation—for example, drafts of sections of the projects, peer reviews,

e-mails to each other, copies of the documents they posted on the wiki, etc. Finally, the portfolio included a time sheet, which resembled a typical billable hour sheet from a law firm. This time sheet detailed, in 15-minute increments, what students worked on throughout the quarter. Overall, I am confident that the students' portfolios gave a solid and reliable sense of their individual contributions.

### **Students' Reactions to the Course and the Wiki**

One benefit of using portfolios as an assessment mechanism is that they provide an opportunity for students to reflect on their learning process and on what did and did not work in the class.<sup>18</sup> The comments about the class were mostly positive. Students expressed an overall sense of pride about what they accomplished and clearly appreciated having the chance to do real legal work during their first year. For example, one student remarked that he enjoyed the “public interest simulation precisely because it did not live up to its name. It was in no way a simulation and that brought a sense of responsibility to our law school career that has been lacking in the first two quarters.” Many students commented specifically on how invigorating it was to collaborate and bond with peers who were also committed to public interest careers. (I found it refreshing to hear so many students openly write in admiration of each other's work and intellect.) Some students expressed that their work in this class had renewed their energy for law school, reminded them of why they went to law school, and reaffirmed their commitment to public interest work. Clinicians are probably used to hearing these sorts of comments; I think it is much rarer to hear them from students in a first-year legal research and writing class.

Students also expressed their sense that the wiki was an effective way to conduct and memorialize research in a collaborative setting. For example, one

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<sup>16</sup> Some students had to scale back on the projects and turn in work that was not fully integrated with that of their group members. Given the nature of the class, this was fine with me.

<sup>17</sup> I am grateful for Professor Kate O'Neill's assistance in helping me develop effective ways to use portfolios and self-assessments in my courses.

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<sup>18</sup> In many instances, I have discovered that non-anonymous comments in portfolios are more thoughtful and constructive than anonymous narratives in my teaching evaluations.

“By far, the most rewarding aspect of the class was experiencing the exceptionally high level of student motivation, activity, and originality.”

student remarked that “the wiki [was] a fantastic resource for the whole class, and I’m a big fan of using wikis more in future classes.” On the other hand, a significant number of students expressed frustration with formatting glitches in the software. A few students also expressed some degree of reservation about the high degree of collaboration in the class, particularly the large-group collaboration, which, in their view, was at times unwieldy. Some typical comments were: “I found the structure of collaborative legal research frustrating at times, but largely beneficial. The frustration arose simply from being occasionally unaware of what other people were doing, probably because it was a large group to be collaborating in”; and “Working with others always seems to be a lot more difficult than working alone.” Still other students emphasized the value they saw in the collaboration, observing that, given the limited resources in public interest law offices, “[t]he key to successful public interest advocacy appears . . . to be collaboration” and noting that “[o]ur class certainly modeled this approach in our successful division of this large project into manageable parts that facilitated the ongoing coordination of our efforts” through both traditional means and the wiki. And: “[T]his class brought home to me that collaboration around [public interest] issues is central to success. I felt blessed to be working with such a supportive and passionate group. Collaborative, rather than competitive, work environments are hard to find in law school, and this class certainly filled that void.”

### A Teacher’s Perspective

It is probably obvious by now how rewarding this class was for me to teach. By far, the most rewarding aspect of the class was experiencing the exceptionally high level of student motivation, activity, and originality. A couple of examples will give a sense of what I mean. One group of students wanted to find out whether landlord-tenant disputes had been mediated so that they could offer advice for how to handle mediations. On their own initiative, they interviewed our mediation clinic director and then called every mediation center in the state and interviewed their directors. Based on these interviews, they compiled a best-practices

guide for lawyers who want to mediate eviction cases involving compulsive hoarding or cluttering. Another student surmised that international human rights law related to housing or disability and might provide a compelling argument to include in briefing; she quickly got up to speed on the subject and posted a creative and thoroughly researched memorandum about the potential applicability of international law. Other students took her lead and began scouring other countries’ approaches to analogous problems, eventually uncovering a unique guardianship statute in Ontario, Canada, that provided the basis for the class’s most important (and arguably most realistic) policy suggestion.

It was also rewarding to see how students’ writing evolved—especially their development of a professional voice. In general, the writing on the wiki was excellent: I saw far fewer examples of awkward and pretentious first-year legalese. Something about our scenario—either working on a real problem or communicating in real time via the wiki—seemed to help students avoid the stylistic aggrandizement that plagues many first-year students’ writing.

Two aspects of the class stand out as the most difficult. First, it was challenging to keep up with all the material that the class generated. In some ways, it felt as if I was spending more time preparing for this class than I had for others. On reflection, though, I think I had just shifted how I spent my prep time. Instead of developing lectures or problems on topics I knew quite a bit about, I was reading landlord-tenant law that I had never read before and trying to make sense of jargon-filled social science research. Although I believe collaborative, student-centered learning works remarkably well, it isn’t always comfortable for the faculty member.

Second, it was very difficult to embrace how different each student’s contribution to the project and how different each student’s learning experience must have been. I have become accustomed to teaching classes in which, at the end, I can say confidently that students learned (or at least had an opportunity to learn) x, y, and z. Of course, they may have learned many other things I cannot anticipate. In this class, I had more trouble defining a set of core lessons or

skills that the whole class learned. In terms of subject matter, some students learned mostly about landlord-tenant law, others mostly about guardianship, others about psychology. Their work product also differed sharply: Some wrote more traditional legal analysis, thick with citations; others wrote educational materials geared to a more general audience. I am confident, however, that each student in the class learned strategies and techniques for legal research, collaborative problem solving, and public interest advocacy. Still, anyone who tries this approach should understand that turning over authority to students is not just a theoretical or pedagogical trick—the faculty member does lose control in an important sense, and cannot be sure that every student will manage his or her learning in the way one would hope.

### Conclusion

Overall, I was thrilled with this class and think the general approach has tremendous potential. Because of their ability to support large-group collaboration, wiki projects like this one can provide a viable way to integrate lawyering context, professionalism, and the “wisdom of practice” into courses other than clinics, a prominent goal in the Carnegie Foundation’s recent report on legal education.<sup>19</sup> Moreover, such projects lend themselves particularly well to pro-bono projects and thus provide a way for law schools to deepen the legal profession’s (and their own) commitment to public service—a goal that is both worthy and educationally sound.

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### Another Perspective

“Expert teachers know the structure of the knowledge in their disciplines. This knowledge provides them with cognitive roadmaps to guide the assignments they give students, the assessments they use to gauge student progress, and the questions they ask in the give-and-take of classroom life. Expert teachers are sensitive to the aspects of the subject matter that are especially difficult and easy for students to grasp: they know the conceptual barriers that are likely to hinder learning, so they watch for these tell-take signs of students’ misconceptions.”

—*How People Learn: Brain, Mind, Experience, and School* 241 (2000).

<sup>19</sup> See William M. Sullivan et al., Carnegie Foundation for the Advancement of Teaching, *Educating Lawyers: Preparation for the Profession of Law* 115, 138 (2007).