A GUIDE TO COLLABORATIVE FIRM WORK

Why this guide?

This guide addresses the following needs:

• Being explicit about the educational purpose of the firm learning experience;
• Providing scaffolding instruction on how to work effectively in a firm; and
• Being explicit about the likelihood of intra-group conflict arising and suggesting tools to manage such conflict.

The potential benefits of group learning include:

• Active participation in your learning;
• Development of your confidence in working with others;
• Creation of a supportive learning environment;
• Exposure to other experiences and/or points of view, to improve your own understanding and critique; and
• The development of workplace skills of problem solving, negotiation, conflict management, dispute resolution, leadership, communication and time management.¹

To maximise the beneficial opportunities that firm learning provides and to enable the establishment of a supportive firm learning environment, you will remain in the same firm throughout the semester. Firms will be formed during the first seminar.

The purpose of firm work

The purpose of firm work is to reflect the way you are likely to deal with tasks in a real world, working environment. The firm experience is being adopted in this unit for several reasons, including that working effectively in groups is a desirable graduate attribute for university students generally and law students in particular. It is also intended to encourage and develop your skills of cooperative problem solving, time management and people management. The ability to collaborate effectively is a Threshold Learning Outcome of the Bachelor of Laws (TLO 5(b)) and simulating working in a workplace team is an ideal way to teach and assess this learning outcome.

Regardless of your future career choice it is very likely that your job will involve teamwork. In the legal, professional and public sector workplaces it is rare for practitioners to operate completely independently. Rather you will work as part of a

larger office where different people will be accorded responsibilities depending on their role and area of expertise. You will often have to work to short deadlines and delegate responsibilities to members of your team or cooperate with them to solve problems and produce work collaboratively.

**Nature of firm work**

Firm work is an essential part of practice-centric teaching and learning. You will work with your firm throughout the semester on separate, module-based, case files through semester.

Prior to seminars

You will work collaboratively with your firm to prepare all written assessment tasks.

In seminars

Your firm must brief a barrister (from a nominal ‘chambers’ – constituted of the same group members who are part of the firm) for each oral advocacy task.

- A barrister must appear to address the issues, but it is up to the firm to agree on which barrister is responsible for each task.
- If no barrister appears on behalf of the firm, then that firm will be penalised 5pts/10pts for each non-appearance (ie half of the possible marks for the associated piece of written assessment).
- Those who are not appearing are solicitors. It is their role to take notes, to peer assesses the performance of other firms, and to prepare and provide peer feedback during the seminar.

Each firm member must as a barrister twice during semester.

Firms who have less than four members are still required to brief barristers on any listed court matter. This may mean that some students appear more than twice in the semester or even twice in the same seminar. Where an individual student appears more than twice during the semester their two highest assessment scores will be used to determine their final mark.

If you, or a member of your team is sick or otherwise absent it is up to you to find a replacement from your firm. The only time we will accept medical or other certificates is if you can prove that all four members were incapacitated at the same time.

**How should we delegate roles?**

It is up to you as firm members to determine who will take on which responsibilities through the semester. You are expected to work collaboratively on all six assessment tasks, and each student should be prepared to participate meaningfully in all seminars regardless of whether or not they are completing the oral advocacy exercise or acting as Firm Principal.
The Firm Principal

For each assessment task you should nominate a Firm Principal. The Firm Principal is responsible for oversight and reporting of the firm’s collaboration on that assessment task. The Firm Principal will submit a Principal’s Report at the end of each week where assessment has been conducted. Each member must ensure they are Firm Principal at least once in the semester.

Time recording and reporting

You will be accountable to your firm by submitting a time sheet every week of semester that reports that time that you have spent working on learning activities for the Unit. You will take the role of Firm Principal on at least one occasion and submit a report of your team’s collaboration on the relevant assessment task. Each student will also submit a Confidential Final Report at the end of semester that raises any observations about the fairness of allocation of the firm’s mark between the firm members. These documents will be the ONLY basis upon which an adjustment of the firm’s mark will be made between firm members, on account of fairness and quality of collaboration.

Please note that, while time-records are not marked per se, they are used by the marker to determine:

- Whether the Firm Principal has reported accurately and honestly on firm activity (if no time records have been uploaded, or if a report has been made on records uploaded after the submission of the Principal Report it will receive 2/5 for Probity); and
- Whether any necessary intervention is required by the Unit Coordinator (due to excessive or inadequate workloads).

It is therefore essential you upload your time records in advance of the Principal Report.

Choosing firm members

You must form a firm with students in the same seminar as you. When you sign up to your seminar you should introduce yourself on the seminar discussion board. Firms will be formed during the first seminars in Week 2, but some students will start negotiations about this earlier. If you have strong preferences to work with particular students, then you will need to ensure that you all enrol in the same seminar time as one another.

Managing collaboration and conflict within the firm

Firms will have an opportunity to negotiate agreements in Week 2 seminars. The aim will be to ensure that the firm meets all of its obligations regarding written work, submission deadlines and oral advocacy.

Some recommended approaches to group work include the following:

- Clarify your group objectives on a regular basis;
- Clarify who is going to do what and when;
- Give each group member a meaningful role;
• Agree on module based deadlines (i.e. will you aim for a strict submission cut-off on C.o.B Fridays for written submissions or should there be leeway?)
• Record group decisions in writing and share this record among group members;
• Reach agreement about how you will work together as a group and how group meetings will be conducted; and
• Check on the progress of activities undertaken outside class time.

Communication skills are essential in conducting group work. As individual group members, it is recommended that you:

• Listen to one another;
• Say what you think;
• Try to recognise one another's feelings; and
• Be respectful.

Harassing or discriminatory behaviour towards other students will not be tolerated under any circumstances. Any instances of discrimination, harassment or disruptive behaviour will be dealt with according to the procedures in the University of Tasmania Ordinance 9 - Student Discipline, under the general misconduct provisions.

Because you will be working in the same group throughout classes, you have an opportunity to develop a common purpose, establish group dynamics and to take a long term approach to the fostering of effective working relationships. Some potential dangers that you might want to avoid include:

• Compromising on things that really matter to you for the sake of the team;
• Dominating or allowing others to dominate; and
• Withdrawing or allowing others to withdraw.

Creating a firm agreement

Clarifying the goals and expectations of firm members at the time that the group is formed is one of the most valuable activities in which a group can engage, and is an important feature of conflict management. Sometimes group work can be challenging because disputes or conflicting expectations emerge between members of the group. It is probably realistic to expect that there will be conflict arising within your firm at some stage.

You are encouraged to negotiate a firm agreement and this will provide a reference point for managing your group activities throughout the semester. The negotiation of this agreement provides an opportunity to reach consensus about how your group will function, share responsibilities, allocate role play opportunities, meet, achieve its goals and resolve intra-group conflict. Consider agreements about how your firm will work together and how unplanned (but not unexpected) events such as illness, injury, family obligations, personal difficulties will be responded to. Your firm may include all, any or

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2 W. Martin Davies ‘Groupwork as a form of assessment: common problems and recommended solutions’ (2009) 58 Higher Education 563, Table 1.
3 Davies, above n°.
none of these aspects in its agreement. The form of the agreement is up to your firm. Rather than expecting to avoid conflict completely, it might be useful to prepare some conflict management or dispute resolution strategies in response to these kinds of situations. You can do this by discussing with your group members ways in which your group might agree to respond to conflict. By agreeing at the outset about the process of dispute resolution, you may avoid arguments about how to attempt to resolve a dispute after it has arisen. In negotiating this aspect of your agreement, consider the kinds of disputes that you think might arise in the course of the unit.

**Managing firm time**

Group management, collaboration and compromise are vital components of firm work. While a Firm Principal is responsible for the carriage of each case-file, you are each expected to work together to find the most appropriate working arrangements for your firm. That may involve timetabling workloads around different commitments during the module but also across the semester.

Your firm must also manage its collective and individual assessments. It is therefore not up to the teaching staff to decide which counsel should be making which submissions, you will allocate responsibilities for different submissions to the members of your legal team who are most competent in that area.

If someone is sick or something goes wrong in your office you work around the problem rather than asking a client or judge to help. Similarly, if something goes wrong within your firm, including unexpected absence, we intend that you work together to fix the problem, rather than asking the Unit Coordinator to resolve the problem.

**Disparities in workloads and fairness**

Working with others can be very rewarding and very challenging at the same time. Ensuring that you maximize the rewards and minimize the challenges requires forethought, management and communication. You will need to manage your own expectations and the expectations of others. You will also need to be patient and tolerant of others’ level of commitment and capacity; which may sometimes be higher, and sometimes lower, than yours.

It is up to you to encourage the others to work, or find coping strategies where they don’t. Make sure you time-record and review the time records of other members of your group for honesty and probity. If there is a clear disparity in workloads and contributions we will divide your group score in differing measures to reflect this. However, we will ONLY use the reports uploaded to MyLO (Time Records, Principal Reports, Confidential Final Reports) to determine this; so please don’t bring us secondary materials, emails or general complaints after the fact; it is up to you to protect your interests in advance of any dispute.
**Resolving disputes**

The primary responsibility for resolving firm disputes lies with the Firm itself.

If the Firm has reached an impasse over an academic or administrative dispute it may formally seek arbitration. A formal request for arbitration must be:

- No more than 500 words, per firm member (the ‘Complainant’);
- Provided, in writing to the Unit Coordinator AND uploaded to the Firm Bulletin board;
- Set out the basis of the request;
- List attempts to resolve the matter within the firm;
- Suggest reasons for the impasse; and
- Consider possible solutions (if any) to resolving the dispute.

If the Unit Coordinator considers the request for arbitration to be valid two firms will be selected from the student cohort to act as Arbitrators (the ‘Arbitrating Firms’). The Arbitrating Firms will:

- Be provided a confidential copy of any relevant requests for arbitration;
- Agree to a date for arbitration between themselves, the Complainant(s) and any other members of the Complainants’ firm, within ten (10) days, or if one cannot be decided request the Unit Coordinator determine one;
- Provide each complainant five (5) minutes to present their position, and two (2) minutes to respond to other complainants;
- Allow for no more than thirty (30) minutes to explore possible solutions with all parties to the arbitration;
- If possible reach a consensus with all parties on how to resolve the dispute; AND
- Within five (5) days provide an arbitration summary, including recommended solutions to the dispute – highlighting which solutions were agreed to as part of the arbitration – to the complainants and Unit Coordinator.

The Unit Coordinator will make any recommendations or determinations subsequent to the Arbitration that she/he considers are necessary to give it effect.

The Unit Coordinator may take what steps she/he considers necessary to resolve the dispute following the conclusion of the arbitration.

The Unit Coordinator will provide discretionary firm points to the Arbitrating Firms deepening on their level of involvement and contribution to the arbitration process.
**What if I want to change my seminar time?**

In keeping with the expectation of self management it is up to you to organise any alteration of your seminar times. You will therefore have to find a person from another firm, in the seminar you wish to change to, to swap with you.

It is very important to realise that your firm marks will not come with you! If the firm you are moving to has a different firm score then that is the base-line against which your group mark will be allocated at the end of the semester.

Note also that whole firms *may not* change seminar times *unless* a firm in a seminar of three firms wants to move to a seminar of only two firms AND there are compelling reasons for the change AND the change is timed to minimise disruption for other students. Such changes must be negotiated with the Unit Coordinator.

**How is my individual group mark allocated?**

Ordinarily your group mark will be equal to your firm’s points at the end of semester. However, the Unit Coordinator may vary your group mark above or below the firm points allocated to your firm at the end of semester to reflect your level of participation, involvement, contribution and achievement in the firm. This will be based on some or all of the following criteria:

- Your Principal Report and your Final Report;
- The Final Reports of other members of your firm;
- The Principal Report of other firm members during semester;
- Any discussion, files or records on your Firm Board through the semester (the Unit Coordinator will not consider other discussion boards like Facebook, or materials provided to us by email or other correspondence at the end of semester);
- Any variance in marks between your firm’s overall average and the mark your firm received for a written submission when you were Firm Principal;
- Any variance in marks between your firm’s overall average and those written submissions that another Firm Principal indicated you were a major contributor to the writing of the written submissions for that module; and
- Any recommendations to the Unit Coordinator by the Seminar leader about particularly involved and active students in seminar discussions.