

## **PROBLEM-BASED LEARNING WITH MANDATORY TEAMWORK EXPERIENCE AT IE LAW SCHOOL**

By:  
Gregory J. Marsden  
IE Law School (Instituto de Empresa)  
Madrid, Spain

Cost-effectiveness is generally identified as a major obstacle to implementing problem-based learning in transactional legal subjects, arising from the belief that problem-based learning is only feasible with small groups. With larger groups, it is believed that faculty workload would become overwhelming, particularly in light of the time necessary to read, evaluate and provide feedback on written deliverables under the problem-based method.<sup>1</sup> One published report mentions a professor having to give up using the problem method because his classes became too popular, swamping the professor with student papers.<sup>2</sup> Small groups are considered to be deadly to cost-effectiveness. It is significant that one of the advantages of the Langdellian case method is that it makes it possible to teach law cost-effectively to large classes.<sup>3</sup>

One solution to this dilemma may be found at IE Law School, located in Madrid, Spain. Affiliated with one of Europe's leading business schools, IE Law School is an independent graduate institution offering LLM degrees taught in Spanish and English. Without much fanfare, and indeed without much thought, this school has been successfully using a problem-based method for over 35 years in class sections of up to 50 graduate law students. This paper examines mandatory teamwork as one factor in IE Law School's successful implementation of the problem-based method with large groups, remaining cost-effective while effectively preparing students to work as practicing lawyers.

Back in the early 1970s, if anyone had been asked why a problem-based method was chosen for the new law programs at IE, they probably would have said that it was similar to the case method already being used across campus at the IE Business School, and that it seemed like an effective solution to one of the main problems facing legal education under the continental European system: students complete their undergraduate law degrees unprepared for the day-to-day work of a practicing lawyer.

Although a great deal of thought might not have gone into the decision, the soundness of this reasoning has been borne out by recent research comparing the case methods used in business and law schools: "The most innovative law schools are coming to see the need to reform a portion of their curriculum to more closely resemble that found in MBA programs, with an emphasis on richly detailed case studies, strategic decision-making and teamwork solutions."<sup>4</sup> With particular emphasis on transactional courses in business practice, "The most advanced level of problem-method course comes close to replicating

---

<sup>1</sup> William J. Carney, *Teaching Problems in Corporate Law: Making It Real*, 34 GA. L. REV. 823, 825 (2000).

<sup>2</sup> Myron Moskovitz, *Beyond the Case Method: It's Time to Teach with Problems*, 42 J. LEGAL EDUC. 241, FN 81 (1992).

<sup>3</sup> Todd D. Rakoff & Martha Minow, *A Case for Another Case Method*, 60 VAND. L. REV. 597, 598 (2007).

<sup>4</sup> Donald C. Langevoort, *Teaching Problem Solving: New Business Lawyers Need to Know How to Find the Deal*, BUS. L. TODAY, July-Aug. 1999, at 32.

the case method used in business schools, where students are given complex fact patterns and goals and must analyze them using the tools taught in other courses.”<sup>5</sup> Recent scholarship has also recognized that the skills learned in the business school case method go beyond those learned from socratic dialogue in the Langdellian model: “Business school students, for example, generate alternative solutions and choose among them more ably than the typical law student.”<sup>6</sup>

One suggested approach to achieving a manageable faculty workload under the problem-based method calls for replacing written deliverables with outlining of possible solutions: “students must prepare some outline or analysis before class, and may then compare it with what the teacher presents in class. The comparison gives the student feedback – every class – without requiring any paper grading.”<sup>7</sup> However, a method that does not require students to produce any written work seems to miss the point. If one benefit of the problem-based method is that it “approximates the lawyer’s approach to the law”<sup>8</sup>, or in other words replicates the lawyering process, it must inevitably follow that written work product is an important part of this process. It is noteworthy that James C. Freund refers to drafting and negotiation of the final contract, or in other words, the main work product necessary to carry out the proposed transaction, as the part of this process with the most substantial involvement by lawyers.<sup>9</sup> Without a substantial work-product requirement, the problem-based method falls short of its goal to prepare law students for the demands of practice.

The question thus becomes one of how to provide meaningful feedback and evaluation to students, as part of a problem-based method, without burying the faculty under a blizzard of papers. Experience at IE Law School has shown that this problem can be solved by requiring teamwork by students. In addition to the mandatory nature of this teamwork, and the fact that students are assigned to teams for a full semester, this system differs from traditional law school study groups in that it is oriented towards the production of work product as the result of a three-step process.<sup>10</sup>

The first step in this process is individual reading and preparation of case problems. The second step involves a group meeting for students to brainstorm, discuss proposals and choose the best solution to the case problem presented, and to prepare the assigned work product – for example, a draft pleading, contract, legal opinion or memorandum. The third and last step takes place in the next class meeting, where all groups discuss and evaluate their proposed solutions with the professor. The professor doesn’t lecture or engage in socratic examination, and instead moderates a discussion, drawing on the participation and experience of the class members, examining and evaluating the various solutions found by each group.

One major function of teamwork is to provide an environment where students can learn the interpersonal skills necessary for the modern practice of law, in which “few lawyers, even the most brilliant, work alone.”<sup>11</sup> Freund pointed out the importance of teamwork skills, which he defined as “the need to relate to partners, senior associates and other

---

<sup>5</sup> Carney, *supra* note 1, at 833.

<sup>6</sup> Rakoff & Minow, *supra* note 3, at 604.

<sup>7</sup> Moskowitz, *supra* note 2, at 261.

<sup>8</sup> *Id.* at 249.

<sup>9</sup> James C. Freund, *Teaching Problem Solving: New Business Lawyers Need to Know How to Find the Deal*, BUS. L. TODAY, July-Aug. 1999, at 32.

<sup>10</sup> *Student Handbook for the IE Business School LLM in International Legal Practice Program* (IE Publishing, Madrid), 2007.

<sup>11</sup> Moskowitz, *supra* note 2, at 265.

supervisory individuals you're working with, including matters of responsibility, authority, initiating contacts and disagreements with seniors.”<sup>12</sup> In addition to these skills, all of which relate to hierarchical superiors, the junior lawyer must also be able to work effectively with team members at their same level of seniority.

A secondary function of teamwork in the IE problem-based method is to reduce faculty workload to a manageable level. Where it would probably be unrealistic to expect a professor to read, evaluate and provide meaningful feedback on a written submission – say, a draft share purchase agreement – from every member of a 50-student section, the task becomes more manageable if students are organized in seven or eight workgroups, each of which must prepare and submit one draft.

In spite of the numerous recommendations supporting the problem-based method as an effective way to teach the law and prepare students for the demands of practice, relatively little progress has been made in its implementation. As mentioned above, one reason is a perception that the problem-based method is only suitable for small groups, which are not cost-effective. The expedient of requiring written deliverables to be submitted as part of a process of mandatory teamwork has been successful at IE Law School in reducing faculty workload to a manageable level, thus making it possible to overcome the cost-effectiveness issue by extending the problem-based method to larger groups.

---

<sup>12</sup> Freund, *supra* note 9.