LII
legal information institute

Designing, Constructing, and Sustaining a Durable Distance Law Course

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I. The Context =>

The institute as a research and public service activity, with huge external audience and visibility.

ABA Standard 306.

II. The LII's Online Courses =>

First course offered via the Internet to students of three other law schools in 1996,
current course architecture launched in 2000

Summer workshop 2001 =>

Financial, administrative, and regulatory framework for past and current offerings

Upperclass technical subjects

Subject: Social Security Law (2001 - 2008)

- Participating institutions (this year): Boston College, Cornell, St. Johns, Nova Southeastern, Rutgers-Camden, Rutgers-Newark, William Mitchell
- Students: Sixty-eight (limited this year by a cap of 10 / school)

Subject: Copyright (2000 - 2004)

- 2000-2004

III. For More =>

LII Playbooks and Tutorial (Commissioned by CALI)

http://www.law.cornell.edu/background/distance/codec/

Cornell's Experience Running Online, Inter-School Courses - An FAQ, 30 *The Law Teacher - The International Journal of Legal Education* 70 (2005)

Employing Distance Learning Approaches to Improve and Expand Access to Part-Time JD Programs, AALS Program (2005)

http://www.aals.org/am2005/fripapers/830martin.pdf

Breaking Out of Legal Education's Time, Place, and Manner Box, ABA Conference 2004

http://www.law.cornell.edu/background/distance/otb/

IV. Designing and Constructing for More than One Year =>

V. Moving in Increments =>

Important presentation topics that take up significant amounts of classroom time, change little in content or useful illustration from year to year, and benefit from repetition.

Presentation topics that call for coordination of lecture and some visual component (graphic or textual).

Exercises that allow self-testing of mastery before the exploration of material by discussion.

Formative evaluation problems.

Giving students an option.

Step 1:

Begin with a multi-year plan, backed by adequate institutional commitment.

See:

- **LII Distance Learning Options Playbook**
- **LII Playbook on Marketing, Conducting, and Administering an Inter-School, Internet-Based Course:**
  http://www.law.cornell.edu/background/distance/codec/04_conducting_playbook.pdf

Comments:

- **For both the faculty members involved and the offering institution successful distance education entails major investment – under such headings as course design and construction, staff, technical infrastructure.**
- **That investment can only be justified in terms of expected returns (financial and other) over a several year period.**
- **This calls for a longer range plan than the typical law school decision to add a new course to the curriculum or a law teacher's decision to revise her approach to a course.**

Step 2:

Create a detailed record of the course as currently offered, focusing particularly on how classroom time is used, day-by-day, throughout the term.

See:

- **For background: LII's 2001 report to the ABA**
  http://www.abanet.org/legaled/distanceeducation/lii.html

Comments:

- **The playbook assumes that the design and construction process begins with an established and successful classroom-based course.**
- **This furnishes, among other things, a useful benchmark, which allows the nature and amount of assigned readings, the goals and agenda, the cumulative workload for students and other key parameters for the course in its revised format to be calibrated against past experience.**
- **The conversion of some or all of the work previously carried out in the classroom to a distance format also calls for detailed review of exactly how class meeting time has been used.**

The best base for such a review is a full audio or video capture of the complete set of classes.

Step 3:

Break down the principal classroom activities according to categories or modes of teacher-student, student-student interaction.

E.g.:

- **Teacher presentation**
- **Questions and problems designed to force students to express and apply the concepts, knowledge, and so on of the unit**
- **Points of accountability that provide incentive to complete assignments on time**
- **Opportunities for student-student exchange - exploring different viewpoints, the complexity of issues, etc.**
- **Means for revealing and enabling the teacher to respond to student confusion**
- **Feedback on student performance**

Comments:

- **Converting a course to a different format is calls for a level of reflection on exactly what we do in the classroom and why that few of us routinely bring to our teaching methods.**
- **A useful first separation is between presentation and interactive elements.**

Disaggregating interactive class portions according to purpose can and should follow.

Step 4:

Tentatively map those activity categories (or the subset you plan to convert for distance delivery) against currently available/affordable/accessible technology options.

See:

- **A sample topic from Social Security Law:**
  http://www.law.cornell.edu/socsec/course/topic04/

Comments:

- **The means currently available (and affordable) to the faculty of one school may not be to another so choices for the same function may well vary.**
- **Available and affordable encompasses amounts of technologist and educational consultant time available to the project.**
  - **What educational consultant and why?**
- **Accessibility is an issue for both faculty and students.**

- It will be as important for the students as the teacher for there to be clarity and consistency about what to expect from each form of interaction.

In most institutions the selection of the most appropriate technology options for various purposes will require an iterative, experimental process involving the course creator and one or more collaborators.

Step 5:

Consider the preferred and likely alternative conditions of student use as well as the technology available to the course creator and course teacher before committing to a final plan.

E.g.:

- The student use scenario reflected in the current LII course design
- Some alternative scenarios
  - Students with CD or DVD players
  - Students listening to lectures on an iPod (or equivalent)
  - A group of students gathered in a wired classroom

Issues:

- Factors bearing on this analysis include:
  - The sorts of material the course creator wants the student to experience simultaneously and its importance
  - Students' note-taking needs
  - Flexibility, reliability, and accessibility for the students
  - Cost of production, distribution, and revision for the institution

Step 6:

Reflect on and explore fresh pedagogical possibilities opened up by moving away in both time and space from the classroom.

E.g.:

- Multiple presenters (controlling the guest in "your" classroom)
- Q and A presentation (prepared in advance)
- Multiple reactors, mentors, commentators
- Problems and hypotheticals with more flesh

Comments:

- For all the improvisational possibilities the classroom opens, it also constrains.

- **Its standard dynamic forces most students, most of the time into participation that is vicarious at best.**
- **Practical considerations discourage the bringing in of other authorities than the teacher or other non-experts than the students.**

Step 7:

Structure the course or course elements so as to facilitate rather than frustrate future alterations.

See:

- **Dealing with constantly changing parameters http://www.law.cornell.edu/socsec/course/topic04/topic04_b.htm#2**

Comments:

- **Keep all presentations in editable format (and avoid authoring tools that lock you into a format that difficult to edit).**
  - o **Beware the enticement of tools that make initial creation simple -- RealPresenter.**
- **Isolate and index the changeable content.**
- **Avoid putting frequently changing content in a medium that is difficult to alter (video > audio > text).**
  - o **Text is easier to change than audio (mainly because it is easier to search). Audio is easier to change than video. (Think about having to match clothing, posture, and hair style in order to update a paragraph of your presentation.)**

Step 8:

Consider how the sequence of topics and activities you are designing and constructing will, over the course of a term, achieve appropriate levels of pacing and accountability.

See:

- **Social Security: Syllabus and schedule page**

Comments:

- **To a degree you and they may not realize many students depend on class meetings to drive them through the material.**
- **Without that metronome beat students will need other performance expectations, particularly when they continue to be enrolled in courses that do demand that they be in class ready to respond three times a week.**
- **Clear structure and a reliable schedule are key to successful distance education.**

- **This is especially true for students whose center of gravity continues to be in weeks with scheduled classes, appointments and obligations of other kinds. They must be helped to understand that the demands of a course which doesn't meet are no less real and that its assignments cannot be deferred until the week before exams.**

Step 9:

Design a front-end that will reduce the inevitable student uncertainty about course methods and expectations (and will inform decisions to enroll).

See:

- **Social Security course introduction**
  http://www.law.cornell.edu/socsec/course/intro/index.htm
- **Is this course for you?**
  http://www.law.cornell.edu/socsec/course/index.htm#for_you

Comments:

- **At present many students will bring deep levels of uncertainty about course methods and expectations.**
- **Those who have taken one or more "distance education courses" and have fixed expectations can pose an equivalent problem, for they may well have experienced something quite different from the approach your course embodies.**

Step 10:

Build and then conduct the course.

See:

- **LII Playbook on Marketing, Conducting, and Administering an Inter-School, Internet-Based Course:**
  http://www.law.cornell.edu/background/distance/codec/04_conducting_playbook.pdf

Comments:

- **Your choice of method will affect (or be affected by) how much lead-time you have for construction.**
- **While the course structure, readings, schedule, and first few weeks of instruction need to be in hand before the course gets underway, unless the form of distributing the presentations requires otherwise the course creator can, during the first year, complete the course while it is underway. That was our frenetic pattern in 2000-2001; my presentations were at times being completed only a week before they were released online to the students.**

Step 11:

Evaluate the course outcomes with the help of students and others.

See:

- **Course questionnaire - Social Security Law 2004**
  http://www.law.cornell.edu/socsec/course/questionnaire_04.htm

Comments:

- **Until distance education courses and course components become prevalent, the standard law school course evaluation instrument will not provide adequate data on student response to the distinct features of this mode of learning.**
- **In addition those courses that enroll students from multiple institutions require a method of evaluation that allows both compiling and comparing responses from all of them.**

Step 12:

Prepare and submit the report required by ABA Interpretation 306-1.

See:

- **Report to the ABA on the LII's 2004 Social Security course**

Comments:

- **Interpretation 306-1 of ABA Standard 306 calls for an annual report from all schools offering a distance learning course.**

The LII's practice is to submit a single report on behalf of all participating ABA accredited schools, furnishing each with a copy and inviting them to submit a supplemental report if they desire.