Memorandum

To: Lee Teitelbaum, John Siliciano, Gary Simson

From: Peter W. Martin and Thomas R. Bruce

Date: 3/1/2002

Subject: Update on the LII's ongoing distance learning experiment

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A bit more than a year ago, we (Lee and the two of us) met and agreed upon this year's distance learning course of action, working from a document entitled LII Distance Learning Issues and Options (Attachment A).

I. Report on last year's plan

As that document recommended we agreed that we should endeavor to build on the experience of last year's two courses (Copyright in the fall, Social Security in the spring) in several ways. This brief report places what we have achieved (and not achieved) in the year following against that plan of action and set of options and concludes by outlining a tentative plan for next year (a year in which Martin is scheduled for sabbatic leave).

Last year's agreed-upon next steps included:
- Conducting a summer workshop
- Using the two courses built in 2000-2001 to experiment with adaptation for and delivery to other audiences
- Exploring possibilities for assisting in the creation of distance learning courses in other fields

One activity not on the list proved subsequently to be a significant element of this year's effort – namely, pressing the case for change in accreditation standards bearing on distance learning with the ABA's Council on Legal Education and Admission to the Bar.

1. The Summer Workshop

Our June workshop was a success. It brought together a diverse and experienced group of individuals, generated immensely valuable exchange (now available to non-attendees via the Web: http://www.law.cornell.edu/background/distance/workshop/), and enhanced the visibility of the LII's leadership in this area. For more on the workshop, see the account at pp. 20-21 of the Cornell Law Forum, Fall 2001, or the workshop Web site. One (unintended though not unpredictable) consequence of bringing together a group committed to experimenting with computer-mediated legal education was discussion about the need for change in the ABA accreditation standards. The group prepared a statement that Martin transmitted on its behalf to John Sebert, the ABA Consultant on Legal Education, and to the Standards Review Committee, known to have this subject on its agenda for the fall. (See http://www.law.cornell.edu/background/distance/aba_recommendations.htm)

The workshop also gave us somewhat greater perspective on our own distance learning endeavors. It reinforced our conviction that the combination of technology and pedagogy we have developed is a pacesetter, not only among law schools but law firms as well. Accounts of faculty policy and cultural resistance to computer-mediated learning caused us to realize how remarkable it was that we had managed to persuade a total of thirteen other law schools to join us in our series of distance learning experiments, all of them paying for the privilege. Finally, we saw through at least one example the value of a law school's harnessing distance learning in service of broader goals and plans (rather than casting about for something to do with the technology).

2. Following up with the ABA

In Martin's role as the technology working group (a group of one) of the ABA's Out of the Box Committee he prepared a set of scenarios that provided the framework for discussion of the limiting effect of the current standards at the ABA annual meeting in August. He also prepared a detailed report on last year's two LII distance learning offerings (Attachment B). This LII Distance Learning report was the top item in a small packet of background readings ultimately submitted to the ABA Council by the Standards Review Committee along with proposed new standard on distance learning. The LII report now sits at the ABA Web site beside the proposed changes which were put out for comment by the Council in December (See http://www.abanet.org/legaled/standards/proposed.html)

3. Adapting the Copyright course for a different audience

Because of the strong interest in including a law component in the emerging interdisciplinary program in Information Science (with which both Bruce and Martin have been involved) and the importance to the law school of interdisciplinary programs, Lee urged that we proceed to test adaptation of the copyright course by offering it to non-law students at Cornell. We did so this past fall. Unfortunately, the course was not effectively marketed to students of other units by the law school or others; it enrolled only nine students. The CS department did not publicize the offering in timely fashion to its own students because of concern about accessory instruction charges. The new Information Science program was still getting off the ground. Currently it is seeking and securing recognition as a concentration or minor in the several undergraduate colleges. The program will appear for the first time in the University's Course of Study publication for 2002-2003. (See Attachment C.)

Despite the low draw, we believe the course was a critical success and could, if repeated with appropriate notice, draw a respectable enrollment. However, in financial terms the opportunity cost of offering the course is non-trivial so long as Martin is its only teacher. Last year's copyright course (fall of 2000) generated approximately $50,000 in revenue for the LII at $500 per student. A non-credit short course on copyright (see below) offered by the LII periodically to any and all holds out prospect of even greater revenue (we expect).

4. Repeating the Social Security course with an expanded list of participating schools and Cornell Law students included in the mix

This term's repeat of the Social Security Law course has an enrollment of 75. Eight of these are Cornell Law students; the balance are students drawn from: Duke, Concord, Nova Southeastern, Rutgers-Camden, Rutgers-Newark, and William Mitchell College of Law. It will produce some $33,000 in revenue while retaining a valuable course in the Cornell curriculum.

This course is building momentum. Two schools that participated last year but did not repeat (Arizona State and Chicago-Kent) both withdrew under the press of budget shortfalls, with expressed regret and a stated intention to pick the course up again when funds became available. Several students from the two repeating institutions (the Rutgers-Camden and Rutgers-Newark) explained their decision to enroll this spring in terms of positive recommendations from members of last year's class. A number of law school deans who received the LII's report on last year's offerings this fall coupled with an invitation to join in this year's Social Security course indicated a desire to add it in 2003. This year's group of participants is notable in that it includes a peer institution (Duke) and two schools whose students are already familiar with distance learning (Concord and Nova).

Working with this course a second time around, we are learning important lessons about the updating, adapting, and revising of previously created and used multi-media content. As frequently as we have stressed to ourselves and others the importance of designing and building distance learning courses with

an eye toward future maintenance, we have had to deal with both technical challenges (finding ways to edit audio produced with an excellent authoring tool that, regrettably, generates proprietary files no editing software can handle directly) and architectural ones (how to deal with content details that predictably change each year – e.g., Social Security parameters or copyright cases in the news – in audio presentations that otherwise requires no revision). Working to adapt material recorded a year ago for our standard audience (upper class law students) for use by students who have had no prior formal education in law, we have discovered numerous details that required modification.

5. Assisting in the creation of courses in other fields

It hasn't happened. For a successful extension of the emerging LII model of distance learning to other full-length law school courses, any one of several conditions must exist.

One would be the emergence of other law school faculty members with both the interest in and willingness to make a major commitment to the creation, conduct, and maintenance of distance learning courses (in the face of a host of competing priorities). To date no obvious candidate has appeared. Our colleagues are busy – fully committed to teaching, research, and external projects. Few are currently engaged in experimentation with computer-based materials in support of their teaching. We did collect video material of Stewart Schwab and John Siliciano. Both are interested in distance learning. Stewart was, perhaps continues to be, intrigued by a joint project in law and economics with George Barker. But his decision to take on the ALI restatement project effectively pushed that prospect aside for some while. John can speak for himself, but I see him as heavily committed in other directions at the moment. Meanwhile, a new university grant program supporting application of technology to teaching is assisting Kevin Clermont and Ted Eisenberg develop a statistical methods course that has no close connection in content or approach to those we have created. It is possible that the right package of incentives might induce interest, but as we noted last year before offering incentives it is important to have criteria for course selection beyond faculty interest.

Another condition likely to foster the leveraging of LII distance learning experience would be a law school programmatic initiative for which a distance component might be a powerful complement. Were the group responsible for "Nature, Functions, and Limits of Law" in an expansionist mood, undergraduate or even high school instruction about law might be such a possibility. In light of current funding, faculty interest, and planning, however, some form of international distance learning instruction seems the more likely prospect. While the relevant faculty committees have, we know, acknowledged a possible role for distance learning in the school's international and comparative law programs serious consideration of the possibilities seems to lie some way off.

A third condition would be the growth of sufficient LII resources to produce and distribute courses created by others than Cornell faculty members – academics from elsewhere, practicing lawyers. Under this scenario, synergy with existing courses and LII information collections rather than Cornell Law School program plans would guide the agenda. The LII's success in the distance learning field has already drawn expressions of interest from individuals at other institutions who are already teaching with technology. (A member of the UMKC faculty has, for example, expressed interest in creating patent and trademark modules that would fit alongside the LII copyright course. This past weekend we discussed the possibility of an LII role in facilitating a non-credit distance legislative drafting course currently be conducted, with USAID support on the receiving end, via very low tech distance learning technology. The creators and teachers of the course are members of the B.U. faculty.)

II. Tentative distance learning plan for next year

The Social Security Law course has strong momentum. It is unique and builds on Martin's on-line treatise and database. Unlike copyright, it is the type of course that an elite school like Cornell should be

able to sell (or exchange) with peer schools as well as less selective ones – namely, a specialized offering that draws modest enrollments and, although important, is not widely offered. We plan to offer this course again next spring, on the same terms and conditions, seeking to add schools and students to the existing structure. With growth, this course will provide the opportunity to develop a model for sections and teaching assistants.

A repeat of the undergraduate copyright course can and should be deferred until the fall of 2003. Law 410 should remain on the Information Science course list and the university "Courses of Study" with the legend "NOT OFFERED THIS YEAR" or "TO BE OFFERED FALL 2003."

During the fall, the LII plans to offer non-credit, revenue-generating "introduction to the law of …" courses via the Internet in a three week format working from both its two existing courses. Also during the fall, the LII will launch an on-demand tutorial on "Basic Legal Citation" building on this heavily used on-line resource created by Martin. Creating and launching these short courses will be Martin's principal sabbatic leave projects.

In one sense such non-credit courses represent a less controversial path than we have already pursued. They need not contend with ABA accreditation standards nor with the University's asserted control over credit-bearing distance learning courses. Since they will not involve partnerships with external entities, but will, instead, be carried out exclusively with LII personnel and infrastructure, they won't trigger the eCornell right of first refusal. On the other hand, these distinctions may not be fully appreciated within the University and the greater visibility of such "open to the public" offerings may result in others seeking greater control over them.

INFORMATION SCIENCE

Information Science at Cornell is a new interdisciplinary program that integrates the study of three aspects of information. First, it studies computing systems that provide information content; this study overlaps with parts of computer science stressing the design, construction and use of large information systems such as the World Wide Web, the National Digital Library for science education and other global information resources. The second aspect is how people engage these information resources -- human computer interaction (HCI). The area is also called "human centered systems" because it is concerned with systems that hundreds of millions of people will use in daily life. The third aspect is the study of social systems and how they interact with computer systems. It deals with understanding how information systems are situated in a social and economic context. It explores the economic value of information, the legal constraints on systems, and their social impact. These are synergistic topics, and the next generation of scientists, business leaders and government workers will need to understand them and how they relate.

Specific topics emphasized in the Information Science program include information networks; information discovery; knowledge organization; collaboration within and across groups, communities, organizations, and society; computational linguistics; computational techniques in the collection, archiving and analysis of social-science data; information privacy; methods of collecting, preserving, and distributing information; information system design; cognition and learning; and human interface design and evaluation.

Here is a list of courses in each of the three aspects.

Information Systems Courses

CS 130 Creating Web Documents
CS 230 Intermediate Web Design
CS 430 Information Discovery
CS 432 Introduction to Database Systems
CS 474 Introduction to Natural Language Processing
CS 478 Machine Learning
CS 502 Computing Methods for Digital Libraries
CS 515 Public Policy and Security
ECE 562 Fundamental Information Theory

Human Computer Interaction Courses

PSYCH 214 Issues in Cognitive Psychology (also COGST 214)
PSYCH 342 Human Perception: Applications to Computer Graphics, Art, and Visual Display (also COGST 342)
PSYCH 347 Psychology of Visual Communications
PSYCH 413 Information Processing: Conscious and Unconscious
COMM 439 Designing for Human-Computer Interaction
COMM 440 Computer Mediated Communication

Social Systems Interaction Courses

STS 250 Technology in Society (also ENGR 250, HIST 250 and ECE 250)
STS 298 Inventing an Information Society (also ENGR 298 and ECE 298)
STS 411 Knowledge, Technology and Property
OR&IE 480 Information Technology
COMM 428 Communication Law
LAW 410 Limits on and Protection of Creative Expression - Copyright Law and Its Close Neighbors