

AALS Conference on Business Associations

Teaching Advanced Legal Skills Online in Business Planning

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“The win-win situation,” states one partner in a major firm, “is thinking about technology.... not as an end in and of itself, [but] to train students in law.”¹

I. Classroom Assessment Study

A. The Carnegie Foundation for the Advancement of Teaching published a report that found there is limited pedagogy in teaching students critical legal skills. Research confirms that there is a direct correlation between an effective classroom experience, developing of a skill set that will be needed for practicing lawyers, and the nature and type of interaction between faculty and students. The focus of Survey Research was to develop a baseline to measure student learning by conducting a Classroom Assessment Study.² Classroom assessment involves collecting frequent feedback from students about how they learn and respond to teaching techniques.

B. The goal of the Study was to deconstruct an effective classroom experience and evaluate how technology can facilitate or hinder student learning. Specifically, the Study focused on course organization and materials; and then the nature and effectiveness of students and faculty interaction while engaged in different activities in the classroom.

C. Study was conducted with 109 students over two years, Fall 2006-Fall 2007, collecting data from students in multiple classes in Business Planning, a practicum course. There were two control groups: students who were entirely in the traditional classroom at Cal Western School of Law (CWSL); or online at Concord Law School. There was also a group of students who could be in the class or online at their discretion. The Study used Pre or Mid and Post Term Surveys on perceptions, study habits, changes, and outcomes for effective learning.

¹ Gene Koo, Berkman Center for Internet & Society at Harvard Law School, *New Skills, New Learning: Legal Education And The Promise Of Technology*, p 19 (Mar. 2007).

² See the Carnegie Foundation for the Advancement of Teaching conducted studies and published assessments of the legal profession; the Berkman Center for Internet & Society at Harvard Law School conducted a study on technology preparedness of young lawyers; and the Clinical Legal Education Association published a best practices guide for developing skills required to be an effective lawyer.

II. Challenges in Teaching Practical Skills

A. Faculty face a variety of challenges in teaching practical skills: 1) Assessment of student learning remains underdeveloped; 2) Students are untrained on consensus building; and 3) There are limited opportunities for students to work in small groups. These challenges were addressed in teaching Business Planning by organizing the course to engage in multiple levels of activities and assessment; grade negotiations graded based students ability to develop win-win solutions; and assign activities that focus on small group interaction between 2-6 persons.

B. Business Planning is a 3-credit practicum course with enrollment limited to a maximum of 30 students. Students followed the life cycle of closely-held company. Students negotiated and drafted 4 documents: Retainer, Ownership Agreement, Employment Agreement, and a Client Memo. There were 6 graded assignments involving individual and group activities with defined learning outcomes, i.e. presentations, drafting, problems, and objective questions. Students were graded on a 100 point scale as follows: Class problems→5 points; Drafting Exercises→15 point per assignment for a total of 60 points; and 14 Cyber Workbooks Course Modules with Q&A →35 points. There was one drafting assignment completed individually (Retainer Agreement), one assignment completed in a group of six persons (Ownership Agreement); and two assignments completed in teams of two (Key Employment Agreement and Client Memo).

C. The course was designed within a framework that anticipated more up-front planning to define learning goals and outcomes and account for administrative constraints. First, technology should not dictate but facilitate teaching methodology, since people have different sensibilities and comfort with technology. Second, the activities should maximize opportunities for interactivity, with the assessment tied to the activities, goals and outcomes. Finally, since cost considerations vary widely in multi-point settings and can be expensive, technology should include some combination of synchronous and asynchronous transmission with minimal additional cost.

D. Students used a variety of technology in the course, including web conferencing, audio conferencing using <http://www.FreeConferencecall.com>; Cyber Workbooks (CWB), www.cyberworkbooks.com, an online textbook published using a online textbook and faculty developed case studies with Q&A and skill assessment; and podcasts to record and post audio recording of lectures and negotiations. Web conferencing involved students accessing a virtual classroom called "Elluminate," www.illuminate.com allows participants to: 1) engage in 2-way audio and video; 2) shared applications and collaboration; 3) Download and manipulate Power Point Presentations; 4) Break into small groups; 5) Transfer files, URLs; 6) Whiteboard; 7) Record, post, and archive sessions; 8) Access from any where with a headset, mic and Internet.

III. Pedagogy of Teaching Advanced Legal Skills

A. The pedagogy used to develop advanced legal skills was based upon B.S. Bloom's Taxonomy, which focuses on a process for developing higher order cognitive thinking, such as critical thinking. This building block approach teaches students how to 1) Translate, by putting the concepts into their own words; 2) Apply, by relating the concepts to other information; 3) Analyze, breaking the concepts into

their simplest components; 4) Synthesize, by fitting the concepts into previously learned concepts; and 5) Evaluate, by Consider the broad significance of concepts.

B. The course was organized based upon certain basic propositions that were tested during the study. First, if you can identify and properly define the standard or learning outcome for an activity or assignment, then you can develop an effective means of assessing competency. Second, once the outcome is identified, a defined skill or outcome can be deconstructed into component parts, which can be measured and assessed. Finally, assessment from multiple activities provides more accurate information about level and depth of overall learning.

C. The design of the course structure and syllabus included Lectures and CWB course modules with objective testing (35% of grade) to facilitate self-directed learning to master reading comprehension, critical thinking, and applied reasoning. Class problems and discussions (5% of grade) facilitated interactive learning and remediation to master applied reasoning, problem solving, oral and negotiation. Written Exercises (60% of grade) facilitated applied learning to master applied reasoning, problem solving, and analysis.

IV. Preliminary Findings from the Study (See Exhibit for Statistical Analysis)

A. The Study revealed that the “traditional law student”³ is apprehensive about using technology or taking an online practicum course; has used technology in the classroom; has preconceived study habits in a course regardless of the professor’s instructions, but is more likely to change over term to follow the given directions; prefers lectures and Power Point Slides and/or Handouts, and class discussion to learn the subject matter. Students top two concerns in taking any course are the 1) Level of interaction with faculty and students; and 2) Comprehension of material. The greatest benefit of using technology in the classroom or delivery of content was convenience.

B. In organizing a practicum course to teach Business Law 1) All students expect real-time interaction with professor regardless of being online or in a traditional classroom; 2) Use of multiple activities with predefined outcomes enhance learning, but it is important to use different activities to measure different outcomes. 3) Activities should reinforce and build on basic concepts and target higher learning; 4) There is no difference in overall student performance and perception in traditional and online classes; and 5) Students who focus on multiple skills in any given activity seem to have greater overall comprehension.

C. In developing course materials, it is important to identify learning outcomes up front and define the skill sets, including lessons on how to distinguish different skills. Course materials (CWB) should be organized in short lessons focusing on discreet concepts, and include tutorials for remediation. It is also important to plan how students should rely upon different course materials to learn the material; and all objective questions should have one clear answer.

³ Based upon responses selected by at least 51% of students’ surveys.

Exhibit: Summary of Findings from Classroom Assessment Study Fall 07-08.

The following chart profiles the traditional law student and his or her attitudes about technology and the classroom experience.

Profile of Traditional Law Student in a Practicum Course (Small Enrollment with Maximum Interaction)		
Characteristic or Attitude	Student Responses	Results
Use of Technology and Online Learning (out of 27 students)	<ul style="list-style-type: none"> ➤ Not volunteer because not comfortable ➤ Not conducive to learning style 	33% 22%
Previous Use of Technology (out of 32 students)	<ul style="list-style-type: none"> ➤ Taken an Online course ➤ Audio conferencing ➤ Video conferencing 	28% 41% 31%
Benefit of Online Learning (out of 28 students)	<ul style="list-style-type: none"> ➤ Convenience 	93%
Expectations of Classroom Experience (out of 27 students)	<ul style="list-style-type: none"> ➤ Interaction with Professor ➤ Interaction with students 	78% 53%
Concerns with Technology (out of 30 students)	<ul style="list-style-type: none"> ➤ Access to Professor ➤ Comprehension of materials ➤ Lack of Training 	43% 47% 37%
Preferred Method of Instruction (out of 31 students)	<ul style="list-style-type: none"> ➤ Lecture w/ Power Point slides ➤ Discussion ➤ Written exercises ➤ Problems 	61% 61% 26% 26%
Participation in Class (out of 31 students)	<ul style="list-style-type: none"> ➤ Sometimes 	68%

Comparisons between Students in Regular Classroom and Online Class (Preliminary Findings as of 4/08)			
Perceptions	Student Response	Live Class (out of 27)	Online Students (Out of 24)*
Preferred Group Size	➤ Teams of 2	96%	83%
	➤ Groups of 3-4	85%	83%
	➤ Groups of 5-10	15%	12%
Willingness to Use by the End of Term	➤ Technology	37%	83%
	➤ Online content	59%	83%
Changed Manner of Studying	➤ Reliance on PPT slides	67%	71%
	➤ Order answer CWB problems	33%	50%
Participation in Class	➤ Increased over term	41%	46%
Achieved Goals of Exercise	➤ All of the time	23%	25%
	➤ Most of the Time	58%	42%
	➤ Some of the time	81%	58%

*Three classes comprised the online students

The chart below summarizes student perceptions of learning for each activity.

Student Perceptions of Learning		(Preliminary Findings	
as of 4/08)			
Activity	Student Perceptions of Learning	Regular class (out of 31)	Online Students (Out of 22)*
Lectures	➤ Basic Comprehension	<u>87%</u>	<u>86%</u>
	➤ Critical Thinking	<u>26%</u>	<u>32%</u>
	➤ Applied Reasoning	<u>10%</u>	<u>18%</u>
	➤ Creative Problem Solving	<u>19%</u>	<u>23%</u>
Power Point Slides	➤ Basic Comprehension	<u>84%</u>	<u>100%</u>
	➤ Critical Thinking	<u>35%</u>	<u>23%</u>
	➤ Applied Reasoning	<u>19%</u>	<u>18%</u>
	➤ Creative Problem Solving	<u>19%</u>	<u>14%</u>
CWB (Self-directed learning)	➤ Basic Comprehension	<u>58%</u>	<u>55%</u>
	➤ Critical Thinking	<u>29%</u>	<u>45%</u>
	➤ Applied Reasoning	<u>42%</u>	<u>55%</u>
	➤ Creative Problem Solving	<u>42%</u>	<u>36%</u>
Small Group Discussions	➤ Basic Comprehension	<u>26%</u>	<u>18%</u>
	➤ Critical Thinking	<u>42%</u>	<u>50%</u>
	➤ Applied Reasoning	<u>55%</u>	<u>77%</u>
	➤ Creative Problem Solving	<u>68%</u>	<u>64%</u>
Class Exercises	➤ Basic Comprehension	<u>45%</u>	<u>64%</u>
	➤ Critical Thinking	<u>45%</u>	<u>55%</u>
	➤ Applied Reasoning	<u>42%</u>	<u>64%</u>
	➤ Creative Problem Solving	<u>48%</u>	<u>55%</u>
Drafting	➤ Basic Comprehension	<u>29%</u>	<u>36%</u>
	➤ Critical Thinking	<u>13%</u>	<u>55%</u>
	➤ Applied Reasoning	<u>81%</u>	<u>59%</u>
	➤ Creative Problem Solving	<u>42%</u>	<u>50%</u>
	<u>Top Two Selections</u>		<u>*Combines 3 online classes</u>