

LAW WEEK

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Law Schools are Distancing Themselves From Students



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Before the most recent recession, American law schools were among the most academically entrenched institutions in the world. They clung to their traditionalism — including that devious Socratic Method — with the cockiness of an immovable oligopoly. Since around 2009, when enrollment started dropping rapidly, law schools have had to come up with increasingly innovative solutions to get students in the door — even if that means some students never actually walk through any door.

My first experience with distance learning was as an undergraduate. During the summer after

my sophomore year, I took two distance-learning classes at my local community college, which were guaranteed to transfer to my alma mater, Rutgers University. The experience was underwhelming. The professors were generally not engaging, and interaction between classmates was virtually non-existent. In my mind, distance learning was an afterthought that offered students little educational value.

I didn't give much thought to distance learning again until recently. Before relocating to Colorado, I was practicing law at a firm in Burlington, Vermont. Wanting to improve my oral presentation skills, I began teaching a live course in business law at the Community College of Vermont. Teaching was professionally

rewarding for me immediately, and I knew I wanted to continue teaching in conjunction with my practice.

In the spring of 2014, I had coffee with an associate dean at Vermont Law School to discuss adjunct opportunities. She mentioned VLS's robust distance learning program and suggested there might be an opportunity to teach a course or two in that program. While I was skeptical about the prospects of successfully imparting legal knowledge through the Internet, I gave it a go.

The first distance-learning course I taught at Vermont Law School was public law — essentially a graduate level civics course. The school's distance learning courses are generally developed by Vermont Law professors and are then taught by adjuncts or other professors who are professionals in the subject matter. My class had approximately 15 graduate students in it who were, for the most part, seeking an energy or environmental-related LLM or master's degree.

Students in my class were expected to engage in intense forum discussions based on either the week's readings or a hypothetical fact pattern and were also expected to generally submit one written assignment per week. The forum discussions allowed for use of a modified Socratic Method, where I was able to ask students questions about their forum posts or responses thereto in order to further the discussion. Because each week — or "module" — was time-limited, students had a finite period to respond to my queries.

I was a fairly demanding instructor because I had learned — in part based on my own frustrating distance-learning experience as an undergraduate — that it is too easy for students to get disconnected from the subject matter when it seems like no one is paying them any attention. I made heavy use of the school's technologically advanced distance learning platform to post videos of myself, engage in live chat sessions with students and post relevant and exciting media to

bolster what can be considered dry subject matter. I also prodded students constantly who weren't living up to my expectations. Over time, my students came to realize that distance learning, at least as Vermont Law and I expected it, can be as educationally beneficial as a live course, if not more.

Despite permitting law schools to offer online LL.M.s since 1998, the American Bar Association has been glacial in permitting the same for J.D. students. For 2015-16, however, the ABA expanded opportunities for distance learning and eliminated its previous limitation of four distance learning credits per term and increased the total distance learning credits a J.D. student can earn from 12 to 15. And law schools have taken notice of increased demand and opportunities for distance learning: As of 2015, a majority of ABA law schools offer the opportunity for an online academic experience for J.D. students, according to the Working Group of Distance Learning for Legal Education, a collection of law educators focused on increasing access to interactive online legal education.

From my perspective, distance learning offers students from around the world an opportunity to connect with professionals who otherwise may not have the time or ability to travel to a particular institution to teach a live class. With the right practices in place, law schools can design and implement effective distance learning programs.

After all, much of the legal work in which young associates engage requires professional and detail-oriented work that takes place almost entirely by connecting with others in a virtual setting. A class or two (or up to five, for now) that takes advantage of such technology is a win for students, professors and employers alike. •

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