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## How the COVID-19 Crisis Has Reshaped Legal Education

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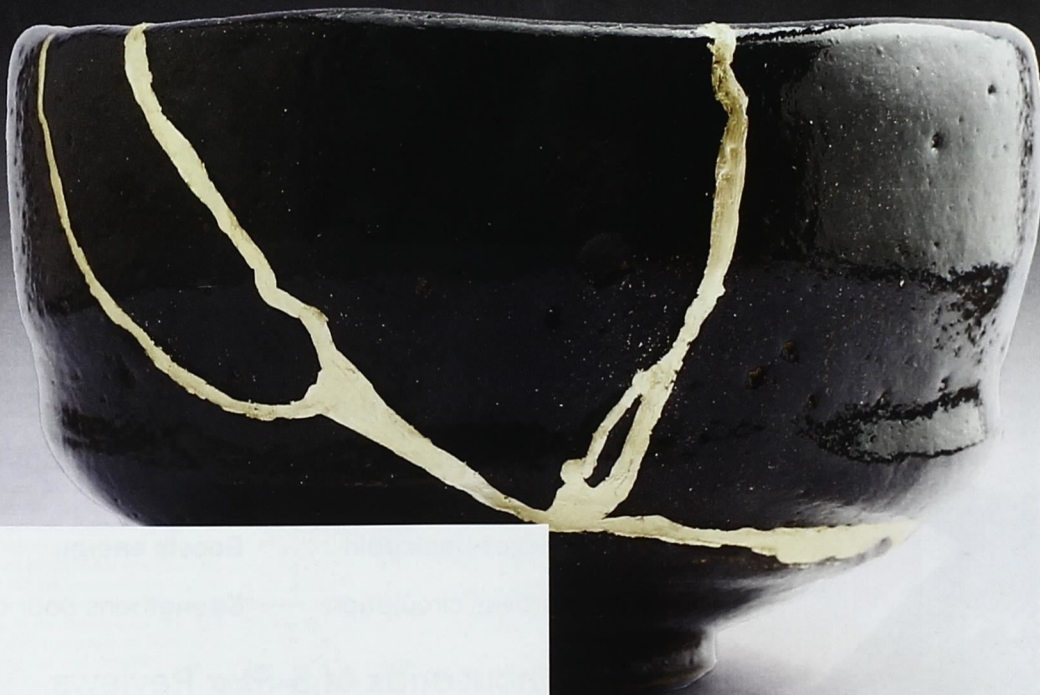
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## How a Global Crisis Made Us Better



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# How the COVID-19 Crisis Has Reshaped Legal Education

An expert in reforming legal education shares five lessons the pandemic has taught her about law school education.

DEBRA MOSS VOLLWEILER

One benefit of working in academia is that the academic year has a predictable rhythm that allows for the management of a heavy workload with careful planning for predictable, repetitive deadlines. As someone who has worked in legal education since 1995 and served as associate dean for academic affairs, I felt well prepared to serve as interim dean for the spring 2020 semester.

Even though I was also teaching a class and continuing to serve in my academic affairs role, I believed I knew exactly what to expect as 2020 began and that I'd be able to guide the college of law through the academic year.

I, of course, have never been so wrong.

## IS REMOTE LEGAL EDUCATION EFFECTIVE?

The semester started out predictably and successfully until early spring, when we began hearing about the COVID-19 crisis potentially disrupting education. The reality was that our best-laid plans all had to be put aside when we received a notice from university administration requiring students who'd traveled internationally to quarantine upon their return. It also informed us that we'd need to accommodate students who were unable to attend in-person classes.

The college of law immediately began a plan to do that, and it included making class recordings available to self-identified quarantined students and simultaneously delivering classes to both in-person students and those attending remotely. At that point, we couldn't begin to conceive that this was a foretelling of widespread future plans, nor where we'd be more than a year later.

For the next week, I attended numerous planning meetings (which, in retrospect, was probably the worst thing we could do—crowd into small meeting rooms with many people) and made minor adjustments to

our modest plans and procedures, created faculty trainings, and crafted solutions for *short-term* altered delivery of the curriculum. Planning continued until the full reality of the global pandemic hit, and legal education—and all education—ceased to continue as we knew it, only to be delivered remotely.

For all law schools nationwide, the next few weeks were consumed with messaging, planning, and training. Classes moved to online platforms. Attendance policies and traditional grading scales were abandoned. Students, faculty, and staff were consumed by the crisis, both professionally and personally.

In legal education across the board, students and faculty were asking the same question: Are we still getting (or giving) an effective legal education? That question continues to be asked as we look backward to lessons learned about legal education during more than a year of its altered delivery and forward to ways we can use the lessons learned to improve legal education for the future.

Here are five lessons I've learned:

**1. Staying on top of technology infrastructure and training is great preparation for a disaster.** At our school, we were in a better position than many law schools to convert to remote learning. For many years, universities have been using platforms called learning management systems to deliver online education. These programs allow the easy distribution of materials, access to online meetings, submission of assignments, and other “classroom” management tools.

Just one year before the pandemic hit, NSU converted from some older LMS platforms to a newer one, Canvas, that had greater user efficiency and power. Additionally, we required the creation of an accompanying Canvas course for all regular, in-person courses, and students who were registered for a class were





automatically registered into the online companion course.

While use by faculty varied widely, at the time of the remote conversion, most faculty and students had some exposure to Canvas. Because we had a good infrastructure already in place to deliver classes, we could immediately focus our efforts on expanding the training and use of the LMS to quickly pivot to all-remote learning.

Additionally, all college of law faculty had been issued laptops for many years to ensure they could work where needed. Remote access to email and documents necessary for everyday administrative tasks has long been the way the college does business. Earlier in the year, the university had purchased university-wide Zoom licenses and began converting to its use.

The lesson? Even though someone might go to the building every day to work and accomplish on-site tasks, ensuring the ability to do what you need to do in more than one way—even when it seems unnecessary at the time—is the greatest advantage anyone can have. Sometimes, both suspenders and a belt aren't too much.

**2. The world of legal practice has changed far more than many law school classrooms.** If you make a loose analogy of attending class to appearing in court, most engaged in either activity would say the in-person experience is generally preferred. However, neither being in class nor being in court makes up the majority of a student's or lawyer's time.

Looking at all the other tasks that get accomplished in those pursuits, it's clear the world of legal practice has allowed more flexibility and forward-thinking behavior than many law schools have in recent years.

Despite the prevalence of electronic filing and other flexible means of completing the daily business of actually practicing law, many in legal education still required students to complete their necessary tasks the same way those tasks have been completed for years—in person and by hard copy of materials delivered during limited “business” hours.

The pandemic, by necessity, changed that. Students took exams remotely, electronically proctored, and, at our school, in a self-scheduled time block within a set window. Assignments, papers, and administrative forms were submitted online at any time before a deadline rather than students having to drive to a place to deliver a printed copy during set hours.

Faculty, staff, and students met online with far more flexibility and sometimes not during traditional hours, if that suited all parties due to unexpected personal responsibilities. For many of our evening students, these changes were particularly beneficial.

**3. The Socratic method isn't always all that engaging, and not all classrooms are alike.** We've all seen movies about law school in which intense conversations between student and teacher are gripping and fascinating to the entire class. But the truth is that, for the rest of the class, mere observers who *aren't* engaged in the battle of intellect, the Socratic method can be a terrible way to learn. It's passive and exclusive.

That lack of engagement was impossible to miss once students were no longer confined by a classroom and had a world of other distractions at their fingertips. Remote learning opened an entire universe for disengaged students to do something other than learn. The problem hit home with significant force when seeing the up-close pictures of bored faces staring into a



screen, or worse, not looking at the screen at all.

Faculty, by necessity, found other ways to engage students during class time. They used breakout groups, discussion topics, and other tools to get feedback that students were learning daily. And it was an improvement for all. Remote learning forced many to recognize the inherent weaknesses in their traditional teaching and make improvements.

The conversion to remote learning affected different areas of legal education quite differently. In addition to traditional law school classes, all students from ABA-accredited law schools are required to complete six credits of experiential education. In simulation classes, professors had to pivot to ensure that students could collaborate to draft documents, interview clients, negotiate, and practice oral skills remotely. Students in clinics were learning to perform all the necessary legal work remotely, a particular challenge since many of these clinics serve low-income populations that don't have the same access to technology as law schools themselves.

For students earning their credits with law firms or other organizations, their experiences became less shaped by the direction of the law school and more by the limitations or abilities of those organizations. Where there was no client work for a student to continue, faculty had to create simulated client work to ensure students could complete the work to earn the needed credits. Faculty were innovative and thoughtful in ensuring that students received experiential training through any means necessary, sometimes even conducting oral arguments by phone.

**4. There are effective ways to deliver online legal education, but it requires change—which can be reinvigorating.** It became clear, very quickly, that simply teaching a law class online the exact same way it's done in person isn't effective. For all faculty teaching remotely or with a blend of students who were remote and in person, classroom changes were necessary. With those changes, online legal education can be not only as effective as in-person legal education, but in some instances, it's even more effective.

One example is using the LMS tools to require students to answer hypothetical problems after each class to reinforce their understanding of concepts and their ability to communicate in writing. Now, in addition to students reading material to prepare for class and then being part of a class discussion, they need to immediately use the information they've learned in a new

way. And they get individualized feedback on their writing, which is far more effective than one student answering a few questions in a classroom.

The truth is that good teaching like this can be far more work for professors than the old-fashioned way of teaching—stepping into a classroom for a few hours a week, then grading final exams. However, it's good for both students and professors.

The challenge of reimagining how to connect with students in the modern world when you don't have the opportunity to see them frequently in person is positively refreshing. Diving back into well-known material and creating new ways to help students learn and become self-directed learners while making a personal connection can make any teaching career feel fresh and improve the experience for both students and their professors.

**5. Many changes can improve legal education and should continue.** The pandemic hasn't been easy for legal education, nor for its faculty, staff, or students. We all look forward to returning full-time to our classrooms and offices and enjoying the personal interactions that are enriching to all in the academic community.

However, just because we plan to go *back*, we shouldn't go *backwards*. The lessons we've learned on how to engage students, improve their learning, and accommodate much-needed flexibility in administrative tasks that are part of the educational experience should continue. The truth is that students increasingly view the education they're "buying" through a consumer lens. And law schools are being held more accountable than ever to ensure the "product" they're delivering is a good one.

Only by continuing these improvements will legal education move forward to properly take its place as a modern institution that's preparing students for the current competencies in the practice of law. ■

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