BUILDING A COMMUNITY OF INQUIRY THROUGH INTERACTIVE MATERIALS: THE INTERACTIVE SYLLABUS

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I. INTRODUCTION

Obviously, during the Covid-19 pandemic, we have had little, if any, choice about online learning.[1] The Community of Inquiry ("COI") framework, particularly the focus on social presence, can help educators build strong, online classroom communities.[2] Educators should help students become socially present and part of a whole.[3] Such efforts can build an online community, which "has positive effects on the quality of student learning, increases student engagement, and encourages motivation of students in online courses."[4] In fact, among online courses, students taking online courses that used the COI rated those courses as "high quality."[5]

This paper reminds, or perhaps introduces, law professors to widely recognized education concepts, from learning theory to pedagogical approaches.[6] Professors may benefit from metacognitive self-assessment to fully understand their educational philosophies and in-class pedagogy.[7] Especially in distance-learning courses, pandemic or not, professors should consider the COI philosophy and develop highly interactive learning materials.[8] In this paper, the interactive syllabus ("IS") offers an example of such materials.[9] The IS can help students better connect with the professor and their classmates, fulfilling COI's social presence component.[10] Meanwhile, adding interactive elements to class materials furthers Universal Design for Learning ("UDL") goals.[11]

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1. *See* Peggy Semingson, *Bridging Distance: Fostering Digital Community and Student Voice in Real-Time Synchronous Learning*, J. FAC. DEV., Sept. 2020 at 122.

2. *See* Holly S. Fiock, *Designing a Community of Inquiry in Online Courses*, INT'L REV. RSCH. OPEN & DISTRIBUTED LEARNING, Jan. 2020, at 134, 137, 138.

3. *See id.* at 135, 137.

4. *Id.* at 134.

5. Barbara Louise Taylor, The Struggle is Real: Student Perceptions of Quality in Online Courses Using the Community of Inquiry (CoI) Framework, (2016) (Ph.D. Dissertation, UC San Diego), http://escholarship.org/uc/item/3qz4c14n; *see also* Semingson, *supra* note 1, at 121–22.

6. *See* Terry Heick, *A Visual Summary: 32 Learning Theories Every Teacher Should Know*, TEACHTHOUGHT, http://www.teachthought.com/learning/a-visual-summary-the-most-important-learning-theories/ (last visited May 12, 2021); Etiennette Vellas, *A History of Pedagogy*, LE PÔLE, http://lepole.education/en/pedagogical-culture/27-history-of-pedagogy.html (last visited May 12, 2021); discussion *infra* part II.

7. *See* Vellas, *supra* note 6.

8. *See* Fiock, *supra* note 2, at 148.

9. *See About*, </SYLLABUS>, http://www.interactivesyllabus.com/about.html (last visited May 12, 2021); discussion *infra* part IV.

10. *See About*, *supra* note 9; discussion *infra* part IV.

11. *See* Jason S. Palmer, *"The Millennials Are Coming!": Improving Self-Efficacy in Law Students Through Universal Design in Learning*, 63 CLEV. ST. L. REV. 675, 679, 700 (2015).

Pros and cons of online learning aside, the pandemic has brought us to an online reality.[12] We must make the best of it, and in some instances, our best today may still be the best when our health crisis subsides.[13] The interactive syllabus is a tool that should continue into healthier days.*

II. PEDAGOGY FOUNDATIONS

To understand the current state of distance education and the necessity of interactive materials, such as the interactive syllabus, readers will benefit from a review of western education's development and its principles.[14]

A. *Education History*

In a simple, biologic construct of education, learning begins at birth—a person observes their own sensations and surroundings for the sake of survival; learning is a response to physical and emotional stimuli.[15] In a social sense, education or pedagogy as an unorganized concept dates to first persons' gatherings into societies.[16] Parents and elders shared essential knowledge and skills for mutual survival and to preserve the tribe; cave paintings and cuneiform writing preserved accumulated knowledge.[17] Highly organized western education or pedagogy, as we recognize it today, began as an art, first in Ancient Greece.[18] Many scholars consider Socrates as the father of education.[19] Then, only boys of wealthy families attended school.[20]

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12. *A New Pedagogy is Emerging…and Online Learning is a Key Contributing Factor*, CONTACT N. NORD 2 (Aug. 4, 2020), http://teachonline.ca/sites/default/files/tools-trends/downloads/a_new_pedagogy_is_emerging.pdf.

13. *See id.*; Yvonne M. Dutton et al., *Assessing Online Learning in Law Schools: Students Say Online Classes Deliver*, 96 DENV. L. REV. 493, 495 (2019).

14. *See A New Pedagogy is Emerging…and Online Learning is a Key Contributing Factor*, supra note 12, at 2; Ciprian Baciu, *The Evolution of Educational Means. A Historical Perspective*, 180 PROCEDIA - SOC. & BEHAV. SCIS. 280, 281 (2015).

15. *See* L.R. ALLEN & B.B. KELLY, TRANSFORMING THE WORKFORCE FOR CHILDREN BIRTH THROUGH AGE 8: A UNIFYING FOUNDATION 57–84 (2015) (explaining that learning begins prenatally).

16. Baciu, *supra* note 14, at 282–83 (arguing that the earliest means of education were among Paleolithic cave dwellers, approximately 40–50,000 years ago).

17. *See id.*

18. Vellas, *supra* note 6.

19. *Socrates*, HIST. (Aug. 23, 2019), http://www.history.com/topics/ancient-history/socrates. More aptly, Socrates is the father of Western philosophy. *Id.* Nevertheless, the Socratic method is a cornerstone to Langdellian legal education. *Id.*; *see also* Bruce A.

During the nineteenth and twentieth centuries, the art of education evolved into educational pedagogy and applied science.[21] Though we have yet to realize current shifts in education, hindsight being a necessity to understanding our past,[22] the twenty-first century seems to be merging science and art into a new pedagogy.[23]

The Covid-19 Pandemic has forced teachers to consider form, substance, and innovation in reimagining classes meant for in-person, real-time learning.[24] Yet, even without the Covid-19 pandemic, leading educators were already adapting new pedagogy based around online learning.[25] Researchers found that the demands of a knowledge-based society, student expectations, technological innovation, and rapidly changing workplaces drive changes in educational practices.[26] They identified seven key elements that make-up the new pedagogy:

1. Blended learning;
2. Collaborative approaches to the construction of knowledge and building communities of inquiry and practice;
3. Multi-media and open educational resources;
4. Increased student control, choice, and independence;
5. Anywhere, anytime, any size learning options;
6. New forms of assessment; and
7. Self-directed, informal, online learning.[27]

Kimball, *The Proliferation of Case Method Teaching in American Law Schools: Mr. Langdell's Emblematic "Abomination," 1890-1915*, 46 HIST. EDUC. Q. 192, 192–94 (2006).

20. Raquel López, *Did Sons and Daughters Get the Same Education in Ancient Greece?*, NAT'L GEOGRAPHIC (Aug. 28, 2019), http://www.nationalgeographic.com/history/magazine/2019/07-08/education-in-ancient-greece/.

21. *See* Vellas, *supra* note 6; DALE SCHUNK, LEARNING THEORIES: AN EDUCATIONAL PERSPECTIVE 7, 21–22 (6th ed. 2012).

22. *See Historical Significance*, HIST. THINKING PROJECT, http://www.historicalthinking.ca/historical-significance (last visited May 12, 2021) (explaining a basic premise in the study of history—that determining the significance of an event as having historical value requires a reference to the past that considers the current state of affairs and what may seem insignificant in the present could have great significance in the future).

23. *See* JEFF HALSTEAD, NAVIGATING THE NEW PEDAGOGY: SIX PRINCIPLES THAT TRANSFORM TEACHING xi–xii (2011); RUDOLF STEINER ET AL., EDUCATION AS AN ART, (Paul M. Allen ed. 1988). Rudolf Steiner created the Waldorf education method, based on his philosophy anthroposophy. STEINER ET AL., *supra*.

24. *A New Pedagogy is Emerging…and Online Learning is a Key Contributing Factor*, *supra* note 12, at 2, 5.

25. *Id.* at 2.

26. *Id.*

27. *Id.* at 5–9.

This evolution will lead to more accessible and flexible learning environments, shared power between student and teacher, and increased technology use.[28]

B. *Mind, Brain, and Education Science*

In the law school context, scholars have written very little about effective law school pedagogy or learning issues among law students; however, as suggested by Professor Nancy Millar, law professors can draw from other disciplines, such as "mind, brain, and education science" ("MBE") to inform our teaching.[29] MBE is a multidisciplinary field that combines neuroscience, psychology, and education to study how pedagogy can help people learn more efficiently.[30] As Professor Millar explains:

> [MBE] offers . . . law professors and others the tools to recognize and address students' learning difficulties through techniques based on empirical evidence. By integrating research from neuroscience, psychology, and education, MBE science is able to "create more powerful teaching tools" superior to any tool coming from just one discipline.[31]

According to MBE Scientists, there are five "well-established" principles about the human brain:

1. Human brains are as unique as faces;
2. All brains are not equal because context and ability influence learning;
3. Experience changes the brain;
4. The brain is highly plastic; and
5. The brain connects new information to old information.[32]

These characteristics should influence a pedagogical method.[33] Students bring individual levels of intelligence, experiences, skills, and biases,

28. *Id.* at 9.
29. Nancy E. Millar, *The Science of Successful Teaching: Incorporating Mind, Brain, and Education Research into the Legal Writing Course*, 63 ST. LOUIS U. L.J. 373, 373 (2019).
30. *Id.* at 390.
31. *Id.*
32. *Id.* at 391.
33. *See id.*

suggesting that learning experiences should be personalized through differentiated instruction.[34]

When most educators think of differentiated instruction, they probably recall Fleming's and Mills' ("VARK") Modalities: Visual, Auditory, Reading/Writing, and Kinesthetic.[35] While these are valid learning modalities, unfortunately, many teachers and students make too much of the VARK theory and came to view the "learning styles" as absolute, one or the other for learners.[36] In fact, Fleming and Mills clearly stated in their seminal paper that it was a survey of "*preferences*."[37] Professors should not perpetuate the myth that students learn in one way or another, as learning encompasses all modalities regardless of our preferences.[38] Nevertheless, the VARK modalities can be helpful guides for developing lesson plans that strive towards differentiated instruction and universal design for learning.[39]

Teachers who use differentiated instruction or learning seek to involve all students in a range of methods so that they may acquire knowledge, the skills to process that knowledge, and the ability to employ processes to make sense of ideas and problems.[40] Depending on many factors, such as race and socioeconomic status, the materials a teacher uses in differentiated instruction must vary.[41] While a pure differentiated classroom environment might go so far as to set different expectations for students based on their individual needs, such an approach is not possible in the current law school model.[42] However, with UDL principles, it is still possible to differentiate learning through varied content, processes, work-product, and the classroom setting.[43] The interactive syllabus is one tool that considers MBE science, crosses all VARK modalities, and designs materials with UDL principles.[44]

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34. *See* Carol Ann Tomlinson et al., *Differentiating Instruction in Response to Student Readiness, Interest, and Learning Profile in Academically Diverse Classrooms: A Review of Literature*, 27 J. FOR EDUC. GIFTED 119, 125–26, 129 (2003); Heather Garretson et al., *The Value of Variety in Teaching: A Professor's Guide*, 64 J. LEGAL EDUC. 65, 65–66 (2014); Millar, *supra* note 29, at 393.

35. Neil D. Fleming & Colleen Mills, *Not Another Inventory, Rather a Catalyst for Reflection*, 11 TO IMPROVE ACAD. 137, 139–40 (1992).

36. *Id.* at 137–39.

37. *Id.* at 139 (emphasis added).

38. *See* Heick, *supra* note 6.

39. Fleming & Mills, *supra* note 35, at 138–40.

40. Tomlinson et al., *supra* note 34, at 119.

41. *See id.* at 123.

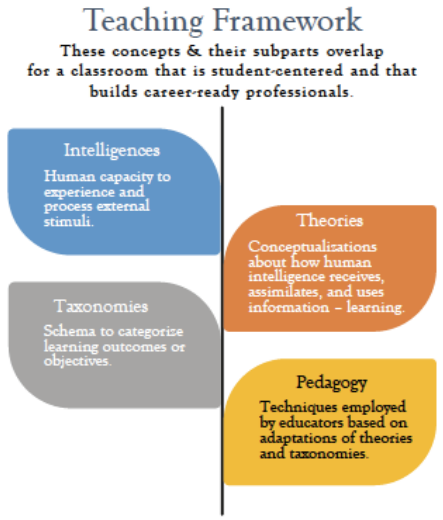
42. *See* Garretson et al., *supra* note 34, at 65–66.

43. Millar, *supra* note 29, at 393.

44. *See About*, *supra* note 9.

C. *Learning Theories*

Many people think that learning theory ends with Gardner's *Theory of Multiple Intelligences* or Bloom's Taxonomy.[45] Educators and students glom onto the idea that pupils are certain "types" of learners.[46] However, Bloom's work categorized learning outcomes, not brain processing, and even Gardner cautioned against use of any one learning style as controlling a student's education.[47] The seven intelligences exist within theories about how humans learn, and those theories are complemented by systems to manage educational objectives and the actual pedagogical means of teaching.[48] There are at least thirty-two learning theories of which only three are widely accepted.[49] That is, how humans acquire information: behaviorism, cognitivism, and constructivism.[50]



45. *See* HOWARD GARDNER, FRAMES OF MIND: THE THEORY OF MULTIPLE INTELLIGENCES 7 (2011); Patricia Armstrong, *Bloom's Taxonomy*, VAND. UNIV. CTR. FOR TEACHING (2010), http://cft.vanderbilt.edu/guides-sub-pages/blooms-taxonomy/. The leading theory posits that humans have general intelligence, made up of the many labels that Gardner offers. *See* John Geake, *Neuromythologies in Education*, 50 EDUC. RSCH. 123, 123 (2008).

46. Geake, *supra* note 45, at 123–24; *see also* Deborah L. Borman & Catherine Haras, *Something Borrowed: Interdisciplinary Strategies for Legal Education*, 68 J. LEGAL EDUC. 357, 367 n.59 (2019).

47. GARDNER, *supra* note 45, at xv, xl, 126; Borman & Haras, *supra* note 46, at 358–59; Armstrong, *supra* note 45.

48. Heick, *supra* note 6.

49. *See id.* (citing Richard Milwood's visual aid example of learning theories); GARDNER, *supra* note 45, at xxxviii, 7; Armstrong, *supra* note 45.

50. SCHUNK, *supra* note 21, at 21–22, 124, 229.

Behaviorism focuses on helping students perform objectively observable behaviors.[51] Unobservable mental activities are discounted.[52] Teachers model desired outcomes and reinforce behaviors that help students move towards achieving objectives.[53] Instruction is programmed in small steps or sequences, building many tasks into one larger objective.[54] The Suzuki violin method is an example of behaviorism.[55]

On the opposite spectrum, cognitivism involves acquisition or reorganization of cognitive structures through which humans process and store information.[56] Students must be self-aware and perform metacognitive tasks to fully embrace change (i.e., learning).[57] While modeling appropriate outcomes, teachers "chunk" information and engage students in active and motivational learning.[58] Following the music education example, traditional high school music programs follow a cognitivism construct, building from basics in beginner band through advanced theory by the end of high school.[59]

Law professors probably find the constructivism theory most comfortable and compatible with professional school.[60] Under the constructivist theory, students adjust existing mental models to accommodate new experiences.[61] Professors guide students to understand the world we live in and to apply new understandings to current and future problems.[62]

No one theory controls education, and this author argues—all of these theories should co-exist in modern legal curriculum.[63] For example, behaviorism has a place in Socratic method, moot court, mock trial, clinics, and simulation courses; law students must change their cognitive patterns to "think like a lawyer"; they must be willing to adjust their positions and to be

51. *See id.* at 103.
52. *Id.* at 9, 21–22.
53. *Id.* at 98.
54. *Id.* at 19, 103.
55. *About the Suzuki Method*, SUZUKI ASS'N OF THE AMERICAS, http://suzukiassociation.org/about/suzuki-method (last visited May 12, 2021).
56. SCHUNK, *supra* note 21, at 124.
57. *Id.* at 245–46.
58. *See id.* at 183.
59. David Mastran, *Four Cognitive Skill Supercharged by Music Education*, NAT'L ASS'N FOR MUSIC EDUC., (May 14, 2018), http://nafme.org/four-cognitive-skills-supercharged-by-music-education/.
60. *See* Heick, *supra* note 6; Borman & Haras, *supra* note 46, at 382.
61. *See* Heick, *supra* note 6.
62. *See id.*; Borman & Haras, *supra* note 46, at 376, 383.
63. SCHUNK, *supra* note 21, at 3.

flexible with new information as it arises.[64] The learning taxonomies provide law professors with a way to categorize learning outcomes.[65]

D. *Learning Taxonomies*

No matter to which learning theory a professor leans, actual teaching (the pedagogy) is best guided when professors consider the learning taxonomies.[66] The taxonomies organize the broad theories into learning outcomes or objectives.[67] Like the learning theories, there are many taxonomies, but only a few are widely discussed:

1. Bloom's Taxonomy/Anderson Revision 2001;
2. TeachThought's Learning Taxonomy;
3. Six Facets of Understanding;
4. Marzano/Kendall Taxonomy;
5. Danielson's Depth of Knowledge Framework;
6. Fink's Taxonomy of Significant Learning; and
7. The SOLO Taxonomy.[68]

Most professors are familiar with Bloom's Taxonomy.[69] Under the Bloom schema, students reach mastery when they are able to remember, understand, apply, analyze, evaluate, and create.[70] The alternative taxonomies encapsulate these same concepts—milestones in achieving mastery—but with different language and visual depictions.[71] For example, the Six Facets of Understanding helps students explain, interpret, and apply while also developing perspective, empathy, and self-knowledge.[72] Marzano and Kendall use a four-level concept, each with specific pedagogical techniques: retrieval, comprehension, analysis, and knowledge utilization.[73]

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64. Borman & Haras, *supra* note 46, at 380.

65. *See* Nina A. Kohn, *Online Learning and the Future of Legal Education: Symposium Introduction*, 70 SYRACUSE L. REV. 1, 4 (2020).

66. *See* ROBERT J. MARZANO & JOHN S. KENDALL, THE NEW TAXONOMY OF EDUCATIONAL OBJECTIVES 8 (2d ed. 2007); Armstrong, *supra* note 45; *6 Alternatives to Bloom's Taxonomy for Teachers*, TEACHTHOUGHT, http://www.teachthought.com/critical-thinking/5-alternatives-to-blooms-taxonomy (last visited May 12, 2021).

67. *See* Heick, *supra* note 6; Armstrong, *supra* note 45.

68. *See 6 Alternatives to Bloom's Taxonomy for Teachers*, *supra* note 66; Armstrong, *supra* note 45; Heick, *supra* note 6.

69. *See* Armstrong, *supra* note 45.

70. *See id.*

71. *See 6 Alternatives to Bloom's Taxonomy for Teachers*, *supra* note 66.

72. *Id.*

73. MARZANO & KENDALL, *supra* note 66, at 13; *see also 6 Alternatives to Bloom's Taxonomy for Teachers*, *supra* note 66.

Like the learning theories, the learning objectives taxonomies overlap, and law professors may benefit from considering each of them.[74]

E. *The "New" Pedagogy*

The Community of Inquiry[75] and Universal Design for Learning offer educators a pedagogical framework that builds a whole student.[76] Such is important, even in graduate and professional schools.[77] Students correlate successful online learning with the level of social interaction during the online experience.[78]

1. Community of Inquiry

The Community of Inquiry pedagogical framework arose from social-constructivist theories posited by nineteenth and early twentieth-century philosophers, such as John Dewey and C.S. Peirce.[79] In the COI process, students learn through three elements or presences: social, cognitive, and teaching.[80] The model is meant to be adaptable, and in fact, many scholars have added to the COI triumvirate.[81] Especially applicable to online learning,[82] some researchers include a fourth presence—learning presence.[83]

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74. *See* MARZANO & KENDALL, *supra* note 66, at 151.

75. *About the Framework*, THE CMTY. OF INQUIRY, http://www.thecommunityofinquiry.org/coi (last visited May 12, 2021).

76. *See id.*; *About Universal Design for Learning*, CAST, http://www.cast.org/impact/universal-design-for-learning-udl (last visited May 12, 2021).

77. *See* Anya Evmenova, *Preparing Teachers to Use Universal Design for Learning to Support Diverse Learners*, 4 J. ONLINE LEARNING RES. 147, 150–51 (2018).

78. *See* Peter Shea & Temi Bidjerano, *Understanding Distinctions in Learning in Hybrid, and Online Environments: An Empirical Investigation of the Community of Inquiry Framework*, 21 INTERACTIVE LEARNING ENV'TS 355, 356–57 (2013) (finding that students' perceptions of social interaction in online courses was positively correlated with indicators of student learning).

79. Kai Hakkarainen & Sami Paavola, *Community of Inquiry and Inquiry-Based Learning*, *in* ENCYCLOPEDIA OF EDUCATIONAL PHILOSOPHY AND THEORY 5 (Michael A. Peters ed., 2018).

80. *CoI Framework*, THE CMTY. OF INQUIRY, http://coi.athabascau.ca/coi-model/ (last visited May 12, 2021).

81. D. Randy Garrison et al., *The First Decade of the Community of Inquiry Framework: A Retrospective*, 13 INTERNET & HIGHER EDUC. 5, 5, 8 (2010).

82. Noelle Wall Sweany, *From Theory to Practice: Evidence-Based Strategies for Designing and Developing Engaging Online Courses*, 70 SYRACUSE L. REV. 167, 172 (2020); *see also* D. Randy Garrison et al., *Critical Inquiry in a Text-Based Environment: Computer Conferencing in Higher Education*, 2 INTERNET & HIGHER EDUC. 87, 88 (1999).

> **Social Presence:** "[T]he ability of [participants] to identify with the community" (e.g., course of study), communicate purposefully in a trusting environment, "and develop interpersonal relationships by [way of] projecting" their individual personalities.[84]
>
> **Teaching Presence:** The "design, facilitation, and direction of cognitive and social processes" for the purpose of realizing personally meaningful and educationally worthwhile learning outcomes.[85]
>
> **Cognitive Presence:** 'The extent to which learners [are able to] construct" and confirm meaning through sustained reflection and discourse.[86]
>
> **Learning Presence:** Focus on "learner self-efficacy as well as self- and co-regulation, focusing on the active roles of students in terms of metacognitive, motivational, and behavioral traits."[87]

The COI philosophy calls educators to be aware of, and to engage with, students.[88] Differentiated instruction, fully accessible, satisfies Universal Design for Learning aspirations.[89]

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83. *See, e.g.*, Elvira Popescu & Gabriel Badea, *Exploring a Community of Inquiry Supported by a Social Media-Based Learning Environment*, EDUC. TECH. & SOC'Y, Apr. 2020, at 61, 61.

84. *Id.*; *see also* D. Randy Garrison, *Designing a Community of Inquiry*, THE CMTY. OF INQUIRY (Jan. 2, 2018), http://www.thecommunityofinquiry.org/editorial9 [hereinafter *Designing a Community of Inquiry*]; D. Randy Garrison, *Understanding CoI Presences*, THE CMTY. OF INQUIRY (Oct. 30, 2019), http://www.thecommunityofinquiry.org/editorial23 [hereinafter *Understanding CoI Presences*]; D. Randy Garrison, *Social and Cognitive Presence Relationships*, THE CMTY. OF INQUIRY (June 17, 2019), http://www.thecommunityofinquiry.org/editorial22 [hereinafter *Social and Cognitive Presence Relationships*].

85. Popescu & Badea, *supra* note 83, at 61.

86. *Id.*

87. *Id.*

88. *Id.* at 62.

89. Palmer, *supra* note 11, at 700–01.

2. Universal Design for Learning

> Universal design for learning is . . . "a framework for designing curricula that enables all individuals to gain knowledge, skills, and enthusiasm for learning. Universal design in learning provides rich supports for learning and reduces barriers to the curriculum while maintaining high achievement standards for all."[90]

Teachers should design courses and course materials so that all learners can have meaningful access.[91] An impactful UDL designer must differentiate instruction.[92] CAST, an education think tank that seeks to make learning accessible to all, created UDL Guidelines.[93] According to CAST, UDL creates students who are purposeful, motivated, "resourceful . . . knowledgeable, strategic, and goal-directed."[94]

UDL employs three principles that provide multiple means of:

> **Engagement:** The why of learning; "For purposeful, motivated learners, stimulate interest and motivation for learning."[95]
>
> **Representation:** The what of learning; "For resourceful, knowledgeable learners, present information and content in different ways."[96]
>
> **Action & Expression:** The how of learning; "For strategic, goal-directed learners, differentiate the ways that students can express what they know."[97]

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90. *Id.* at 679 (quoting SHERYL BURGSTAHLER, UNIVERSAL DESIGN OF INSTRUCTION (UDI): DEFINITION, PRINCIPLES, GUIDELINES, AND EXAMPLES 2 (2020), http://www.washington.edu/doit/sites/default/files/atoms/files/UD_Instruction_06_15_20.pdf) .

91. Palmer, *supra* note 11, at 700–01.

92. *Id.* at 701. ("When you teach to accommodate diverse learning styles, all learners are included in the learning process, not just those whose learning is similar [to the professors].") (quoting M.H. Sam Jacobson, *Learning Styles and Lawyering: Using Learning Theory to Organize Thinking and Writing*, 2 J. ASS'N LEGAL WRITING DIRS. 27, 29 (2004)).

93. *The UDL Guidelines*, CAST, http://udlguidelines.cast.org/ (last visited May 12, 2021); *About CAST*, CAST, http://www.cast.org/about/about-cast (last visited May 12, 2021).

94. *The UDL Guidelines*, *supra* note 93.

95. *About Universal Design for Learning*, *supra* note 76.

96. *Id.*

97. *Id.*

UDL principles help students with disabilities, but UDL will also benefit students who do not have disabilities.[98] Consider, for example, closed-captioned television: It benefits persons with hearing impairments, but it is also helpful to people at the gym or people learning a new language.[99] When teachers offer students multiple learning mediums, such as an interactive syllabus as opposed to only a paper, they develop connections within and between concepts, as well as between each other and classmates.[100]

As part of the Higher Education Act, Congress has defined "Universal Design for Learning":

> (24) Universal design for learning
>
> The term "universal design for learning" means a scientifically valid framework for guiding educational practice that—
>
> (A) provides flexibility in the ways information is presented, in the ways students respond or demonstrate knowledge and skills, and in the ways students are engaged; and
>
> (B) reduces barriers in instruction, provides appropriate accommodations, supports, and challenges, and maintains high achievement expectations for all students, including students with disabilities and students who are limited English proficient.[101]

And higher education adopts the same statutory definition for "universal design" found in the Labor Code:

> (19) Universal design
>
> The term "universal design" means a concept or philosophy for designing and delivering products and services that are usable by people with the widest possible range of functional capabilities, which include products and services that are directly accessible

98. CAST, *UDL at a Glance*, YOUTUBE (Jan. 6, 2010), http://youtu.be/bDvKnY0g6e4; National Center on Universal Design for Learning, *UDL: Principles and Practice*, YOUTUBE (Mar. 17, 2010), http://youtu.be/pGLTJw0GSxk; *About Universal Design for Learning*, *supra* note 76.

99. *UDL at a Glance*, *supra* note 98; *see also* Palmer, *supra* note 11, at 703.

100. *See* Cynthia J. Brame, *Flipping the Classroom*, VAND. UNIV. CTR. FOR TEACHING (2013), http://cft.vanderbilt.edu/guides-sub-pages/flipping-the-classroom/; Garretson et al., *supra* note 34, at 77; Amy Roehl et al., *The Flipped Classroom: An Opportunity to Engage Millennial Students Through Active Learning Strategies*, 105 J. FAM. & CONSUMER SERVS. 44, 44–45 (2013).

101. Alcohol and Drug Abuse Education Amendments, 20 U.S.C. § 1003(24).

> (without requiring assistive technologies) and products and services that are interoperable with assistive technologies.[102]

For colleges that receive federal funds, including student financial aid, teacher preparation programs are required to educate students about UDL, and most higher education grant programs require UDL considerations.[103] UDL may also impact a school's compliance with the Americans with Disabilities Act[104] or Section 504 of the Rehabilitation Act of 1973.[105]

Educators should draft documents and presentations with universal design for learning in mind.[106] Cognitive neuroscience shows that the way people learn is as unique as fingerprints.[107] Yet, most teachers prepare as if every student will learn the same way—preparing for the average learner.[108] That is not the best practice, especially in a classroom meant to train lawyers to pass the bar exam and to represent a variety of clients.[109]

III. STATE OF DISTANCE EDUCATION

Distance learning obviously is not a new concept.[110] Postal-based curriculums first appeared in the United States at least as early as 1728, when Caleb Philips offered a correspondence course in short-hand.[111] The University of London first offered distance education in 1858.[112] Correspondence eventually evolved to radio, television broadcast, recorded videos, and of course, synchronous and asynchronous online learning.[113] Early offerings focused on vocational training, such as clerical skills and mining.[114] Even two decades ago, educators recognized online learning as an emerging trend,[115] if only as blended learning (traditional classrooms with an

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102. *Id.* at § 1003(23); Assistive Technology Act, 29 U.S.C. § 3002(19).

103. 20 U.S.C. § 1003(24); *UDL in Public Policy*, CAST, http://www.cast.org/impact/udl-public-policy (last visited May 12, 2021).

104. *See* Americans with Disabilities Act, 42 U.S.C. § 12101.

105. Employment Opportunities for Individuals with Disabilities Act, 29 U.S.C. § 701.

106. Evmenova, *supra* note 77, at 161–62.

107. *See id.* at 148; Sweany, *supra* note 82, at 170.

108. *See* Tomlinson et al., *supra* note 34, at 119, 132.

109. Jacobson, *supra* note 92, at 27–28.

110. Roy D. Sleator, *The Evolution of eLearning:* Backgrounds, Blends and Blackboards . . ., 93 SCI. PROGRESS 319, 319 (2010).

111. *Id.* at 320.

112. *History of the University of London*, UNIV. OF LONDON, http://london.ac.uk/about-us/history-university-london (last visited May 12, 2021).

113. Sleator, *supra* note 110, at 320–22.

114. *Id.* at 319, 323.

115. *Id.* at 322–23.

online component).[116] By 2010, 77% "of US educational organizations" employed blended learning, and scholars predicted that the issue would evolve from a question of *whether* schools offer blended learning to *how* they offer blended learning.[117] Entirely online law schools emerged, and dozens of law schools offered both synchronous and asynchronous online courses; the American Bar Association ("ABA") expanded the number of hours that law students may take of online courses,[118] and since the pandemic, the ABA has been forced to offer waivers so that schools and students may exceed the number of allowed online course hours.[119] Distance learning is not new.[120] It is here to stay, adapted to each new medium invented.[121] As our adaptation to the pandemic has proven, many aspects of life were needlessly complicated, such as anxieties about online teaching.[122] Were prior ABA online education restrictions ever necessary?[123] Apparently not.[124] What then, are the best pedagogical practices?[125]

A. *The Study of Law and Distance Learning Are Forever Entwined*

Given the long history of distance learning throughout the world and the internet's common use for several decades, it is baffling that any professor was unprepared or challenged with the technology to convert classes for online learning.[126] In fairness, the pandemic created an *unexpected* shift from in-person classrooms to online classrooms.[127] Yet, with thirty-eight states mandating that lawyers have technological

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116. *Id.* at 325.

117. *Id.* at 328.

118. Dutton et al., *supra* note 13, at 499–500; *see also* Robert J. Salzer, *Juris Doctor.com: Are Full-Time Internet Law Schools the Beginning of the End for Traditional Legal Education?*, 12 J. COMMLAW CONSPECTUS 101, 102, 112 (2004) (explaining that in 2002, Concord School of Law graduated its first class of internet law students).

119. Kohn, *supra* note 65, at 3–4.

120. Sleator, *supra* note 110, at 319.

121. *Id.* at 321–22.

122. *See* Sweany, *supra* note 82, at 168–69.

123. Kohn, *supra* note 65, at 4 n.15; *see also* Salzer, *supra* note 118, at 104, 109, 110–11.

124. Kohn, *supra* note 65, at 5.

125. *Id.* at 9.

126. *See* Kelsey J. Griffin, *'A Decidedly Suboptimal Set of Circumstance': Harvard Law Professors Evaluate Online Instruction*, HARV. CRIMSON (Apr. 1, 2020), http://www.thecrimson.com/article/2020/4/1/harvard-coronavirus-law-school-zoom/; Sleator, *supra* note 110, at 319, 321–22.

127. Gabriel Kuris, *The Impact of the Coronavirus on Legal Education*, U.S. NEWS: EDUC. (Aug. 24, 2020, 9:24 AM), http://www.usnews.com/education/blogs/law-admissions-lowdown/articles/the-impact-of-the-coronavirus-on-legal-education.

competence, why was the shift such a dramatic chore among the academy?[128] Online learning for legal education has been discussed for decades, after all.[129] Professors must keep up with technology and share those skills with students.[130]

Recent studies have made positive findings that favor at least some form of online learning.[131] In 2010, the United States Department of Education found that students in blended courses performed better and had stronger learning outcomes than those in only face-to-face classes.[132] A recent study by Indiana University Robert H. McKinney School of Law, showed "that students not only want more online offerings, but also that online classes can deliver the same quality learning experience as live classes."[133]

The study found that:

> 1. [S]tudents appreciate an online course that is organized in the way it presents material and assignments;
>
> 2. [S]tudents equate a quality course with one that engages students with course content—for example, through short, focused, and interesting lectures, or through YouTube videos and other media that relate to course content;
>
> 3. [S]tudents associate quality courses with those that involve regular assessment (especially practice-ready assignments) and professor feedback.[134]

In his recent paper, Professor David I.C. Thomson argues that online learning can ease three crises in legal education: "unmet legal needs, the high cost of legal education, and legal communities that do not reflect the

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128. *See* Robert Ambrogi, *Tech Competence*, LAWSITES, http://www.lawsitesblog.com/tech-competence (last visited May 12, 2021); Jordan Rothman, *Law Professors Should Have More Practical Experience*, ABOVE LAW (Aug. 26, 2020, 11:21 AM), http://abovethelaw.com/2020/08/law-professors-should-have-more-practical-experience/; Griffin, *supra* note 126.

129. *See* Dutton et al., *supra* note 13, at 499.

130. *Id.* at 498.

131. William R. Slomanson, *Blended Learning: A Flipped Classroom Experiment*, 64 J. LEGAL EDUC. 93, 94–95 (2014).

132. *Id.* (citing U.S. DEP'T OF EDUC., EVALUATION OF EVIDENCE-BASED PRACTICES IN ONLINE LEARNING: A META-ANALYSIS AND REVIEW OF ONLINE LEARNING STUDIES 18 (2010)).

133. Dutton et al., *supra* note 13, at 497.

134. *Id.*

diverse society that surrounds them."[135] Much of Professor Thomson's proposal has come to pass, such as online or hybrid first-year law school courses.[136] Though a consequence of necessity in 2020 and 2021, the success of online learning during the pandemic proves its viability.[137]

B. *Teachers Must Engage Students*

In the broadest classifications, learning is either active or passive.[138] Is one better than the other?[139] Studies lack consistency because of design variances.[140] However, a 2009 study showed that passive learners and active learners in a business school curriculum showed similar content mastery; but active learners scored higher.[141]

Passive learning does not engage interaction between professor and student; rather, the teacher transfers knowledge to the class, usually by lecture.[142] Examples of passive learning include reading, watching, or listening.[143] A traditional syllabus, even if reiterated during a class's introductory session, without more, invites questions that are easily answered with the professor's response, "It's in the syllabus."[144]

There is not a widely accepted definition for active learning.[145] Perhaps this is why active learning methods are less obvious.[146] No matter how well-versed in human intelligence, learning theory, taxonomies for

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135. David I.C. Thomson, *How Online Learning Can Help Address Three Persistent Problems in Legal Education*, 70 SYRACUSE L. REV. 181, 185–89 (2020) [hereinafter *How Online Learning Can Help*] (suggesting that most of the first-year curriculum should be online); *see also* David I.C. Thomson, *Law School 2.0: Legal Education for a Digital Age* 11–12 (Univ. Denv. Sturm Coll. L., Working Paper No. 08-27, 2008) [hereinafter *Law School 2.0*].

136. *How Online Learning Can Help*, *supra* note 135, at 190; *see also* Dutton et al., *supra* note 13, at 494.

137. *See* Slomanson, *supra* note 131, at 94–95.

138. Norbert Michel et al., *Active Versus Passive Teaching Styles: An Empirical Study of Student Learning Outcomes*, 20 HUMAN RES. DEV. Q. 397, 397–98 (2009).

139. *See id.* at 398.

140. *See id.*

141. *Id.* at 416.

142. *See id.* at 400; Kyoungwon Seo et al., *Active Learning with Online Video: The Impact of Learning Context on Engagement*, COMPUTS. & EDUC., May 2021, at 3; Mario Tani et al., *Drivers of Student Engagement in Higher Education: A Behavioral Reasoning Theory Perspective*, HIGHER EDUC. (Jan. 11, 2021) http://link.springer.com/content/pdf/10.1007/s10734-020-00647-7.pdf.

143. *See* Michel et al., *supra* note 138, at 399.

144. *See* Marby McKinney, *Creating an Interactive Syllabus*, SMORE, http://www.smore.com/eg00e-creating-an-interactive-syllabus (last visited May 12, 2021).

145. *See* Shea & Bidjerano, *supra* note 78, at 356–57.

146. *See* Michel et al., *supra* note 138, at 398.

learning objectives, or specific pedagogical philosophy, active learning engages the educator as an artist.[147] Active learning requires that the professor think outside the lectern box.[148] Learners are held responsible for their own learning.[149] The flipped classroom provides an example of active learning.[150] Comparing entirely online classes with blended classes, a 2001 study found that students engaged more with video than in blended classes.[151] According to another study:

> There is considerable evidence that well-designed multimedia resources can enhance learning outcomes, yet there is little information on the role of multimedia in influencing essential motivational variables, such as student engagement. . . . A comparison of student engagement between courses that feature increasing numbers of instructor-personalized multimedia components reveals conflicting evidence. While qualitative student feedback indicates enhanced engagement as a function of instructor-generated multimedia supplements, quantitative data reports no significant differences in engagement or learning between the various levels of multimedia inclusion. Findings highlight the complexity surrounding the appropriate use of multimedia within an online course. University policy-makers and instructors are cautioned to examine carefully the cost-benefit ratio of multimedia inclusion for online learning environments.[152]

The pandemic has gifted the academy a unique situation.[153] Now, scholars can undertake empirical research, specific to legal education, with a number of control variables such as different approaches among schools simultaneously occurring after an initial, identical triggering event.[154]

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147. *See id.*
148. *See id* at 397–98.
149. *See id* at 397.
150. *See* Brame, *supra* note 100 (addressing "flipping the classroom"); Roehl et al., *supra* note 100, at 45 (arguing that Millennial students benefit from a "flipped classroom" teaching model).
151. *See* Brame, *supra* note 100; B. Jean Mandernach, *Effect of Instructor-Personalized Multimedia in the Online Classroom*, 10 INT'L REV. RSCH. OPEN & DISTANCE LEARNING 1, 2 (2009).
152. Mandernach, *supra* note 151, at 1.
153. *See* Semingson, *supra* note 1, at 122.
154. *See id.*

IV. INTERACTIVE SYLLABUS

To be clear, this author did not invent the "interactive syllabus."[155] Rather, this paper offers the interactive syllabus as an example of aspirational universal design for learning, aimed at supporting a community of inquiry.[156] The syllabus is a key course document that serves many purposes, from the schedule, topics, and objectives to academic policies, such as plagiarism.[157] It is a sort of contract between teacher and student.[158] Thus, it is imperative that every student have meaningful access to the document.[159] As explained by Dr. Guy McHendry:

> As is often pointed out when these [complaints] air, the syllabus is a Byzantine document that eschews any sense of design, audience, or engagement for the sake of delivering the bureaucratic minutia of a class and university. Syllabi are boring to write, boring to read, and recede into the periphery of a course once content exploration begins in earnest.[160]

If a professor designs only one document within a COI framework using UDL principles, let it be the class's most important document—the syllabus.*

For this example, I designed the interactive syllabus in Microsoft PowerPoint, but as discussed further below, numerous platforms or apps could serve the same function—provide the students multiple means of engagement, representation, and expression for this important document.[161]

A. *Skill Set and Preparation*

As of spring semester 2021, every law school professor surely has the following, minimum skill set to design an interactive syllabus:

1. **Software competence**: Word, Google Docs, Pages, PowerPoint, Keynote, Google Slides, Adobe Acrobat,

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155. *See, e.g.*, *About*, *supra* note 9 (offering an interactive syllabus template by Dr. McHendry, upon request).

156. *See* discussion *infra* Part IV, Section D.

157. *See* McKinney, *supra* note 144; *"It's in the Syllabus!"*, INTERACTIVE SYLLABUS, http://www.interactivesyllabus.com (last visited May 12, 2021).

158. *See About*, *supra* note 9.

159. *See id.*

160. *"It's in the Syllabus!"*, *supra* note 157.

161. *See* discussion *infra* Part IV, Sections B & D; *"It's in the Syllabus!"*, *supra* note 157; Mansoor Iqbal, *App Download and Usage Statistics (2020)*, BUS. OF APPS, http://www.businessofapps.com/data/app-statistics/ (last updated Oct. 30, 2020).

and/or Adobe Photoshop. Photoshop may be a stretch for some, but it is extremely helpful for manipulating photos and other graphics.[162]

2. **Video Recording**: Kaltura, within a learning management system ("LMS") (e.g., Canvas or BlackBoard, Zoom/WebEx/Google Meet/; for extra heft, iMovie (Mac only), Adobe Premiere Pro, Adobe Spark, and animation platforms offer many templates and advanced video and sound editing controls).[163]

3. **Hyperlinks**: The interactive syllabus should have hyperlinks throughout, including links into the LMS course page and other integrations; hyperlinks can be added to retrieve items within the same document/presentation or outside the document, as well as to communicate with others (i.e., email, phone call).[164]

4. **HTML:** Though professors need not be fluent in any programming language, some familiarity is helpful.[165]

5. **Images:** How to import images that are free under a creative commons license and how to add hyperlinks, alternative text, and other metadata to those images. This includes photos, icons, 3D elements, charts, and objects.[166]

6. **LMS/Google/Microsoft Cloud:** Cloud storage saves space on your local computer and can be accessed from any device; the interactive syllabus should integrate with, and complement, your class's LMS.[167]

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162. *See* Evmenova, *supra* note 77, at 152–53.

163. *See id.* at 154; *Insert and Play a Video File from Your Computer*, MICROSOFT: SUPPORT, http://bit.ly/3tHmxET (last visited May 12, 2021).

164. *See* McKinney, *supra* note 144; *Create or Edit a Hyperlink*, MICROSOFT: SUPPORT, http://bit.ly/3aSSotJ (last visited May 12, 2021).

165. *See* Ambrogi, *supra* note 128.

166. *See* Mandernach, *supra* note 151, at 2.

167. *Add Files from Cloud Storage*, BLACKBOARD: HELP, http://help.blackboard.com/Learn/Instructor/Course_Content/Create_Content/Create_Course_Materials/Add_Files_Images_Audio_and_Video/Cloud_Storage (last visited May 12, 2021).

7. **Accessibility:** Inspect the interactive syllabus for accessibility issues and correct any problems that appear.[168]

8. **Dissemination:** A shared cloud link, whether in cloud storage or as part of the LMS class page, is the best way to provide the interactive syllabus to students. Depending on the professor's creativity, the interactive syllabus file size may exceed limits imposed by email servers. Users can set security parameters when they share cloud document links.[169]

If these skills seem like a lot, rest assured that tutorials abound on the internet, whether directly from the app or platform or a YouTube video.[170] These are essential office skills in 2021, and professors who lack these skills disserve their students.* The footnotes throughout this section take readers to related tutorials.[171] If all fails and tutorials are lacking, just click around the app.[172] You cannot break it![173] Software developers would never give a consumer access to a part of an app that would allow the consumer to break the app.[174]

Keep in mind that a teacher should still offer a traditional syllabus.* The point of the interactive syllabus is to differentiate instruction by offering multiple means to access the information.[175] The interactive syllabus supplements, but does not supplant the traditional syllabus.[176] Accordingly, professors may find it more efficient to create the traditional syllabus first and use it as a guide for crafting the interactive syllabus.[177] In fact, the paper

168. *See* Shawn Lawton Henry et al., *Web Accessibility Tutorials: Headings*, WORLD WIDE WEB CONSORTIUM, http://www.w3.org/WAI/tutorials/page-structure/headings/ (July 27, 2019); *Why Consistency is Important to Accessible Design*, BUREAU OF INTERNET ACCESSIBILITY (May 12, 2020), http://www.boia.org/blog/why-consistency-is-important-to-accessible-design.

169. *See Add Files from Cloud Storage*, *supra* note 167.

170. *See id.*; *Insert and Play a Video File from Your Computer*, *supra* note 163; *Create or Edit a Hyperlink*, *supra* note 164.

171. *See Add Files from Cloud Storage*, *supra* note 167; *Insert and Play a Video File from Your Computer*, *supra* note 163; *Create or Edit a Hyperlink*, *supra* note 164.

172. *See* Iqbal, *supra* note 161.

173. *See id.*

174. *See id.*

175. McKinney, *supra* note 144.

176. Adam Baldry & Adam Davi, *Tired of Syllabi Questions? Get Interactive*, UNIV. ARIZ.: DIGIT. LEARNING (June 30, 2020), http://digitallearning.arizona.edu/news/tired-syllabi-questions-get-interactive; *see also About*, *supra* note 9.

177. Baldry & Davi, *supra* note 176.

syllabus can also be a simplified interactive syllabus; for example, by including hyperlinks to email addresses or the Zoom meeting.[178] It's also helpful to already have LMS course pages added (even if content is sparse), as well as other important links, before creating the syllabus.[179] Images and other media items may be organized *mise en place* or inserted as the need arises.[180]

B. *Platforms and Apps*

Apps! Apps! Apps! The rate of app development is so incredible that this section will be obsolete before publication.[181] Which app(s) to use for designing an interactive syllabus is limited only by the teacher's imagination.* However, at a minimum, one needs Microsoft Word and, preferably, Microsoft PowerPoint (simply for its versatility in handling both graphics and writing).* Mac users may find Pages and Keynote a better fit.* Google offers Docs and Slides.[182] For all purposes, when this paper suggests a Microsoft Office product, the same tasks may be accomplished in apps from the other platforms.*

See appendix A for a list of recent platforms and apps that could serve as, or help professors develop, an interactive syllabus.[183]

C. *Design Elements*

There are many considerations that produce an interactive, accessible syllabus made of universal design principles that contribute to differentiated instruction in a community of inquiry.[184] However, just as with the traditional syllabus, for most professors, once is enough to establish a template for next term.[185]

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178. *See* McKinney, *supra* note 144; *Create or Edit a Hyperlink*, *supra* note 164.

179. *See* Sweany, *supra* note 82, at 173–74.

180. *See* Evmenova, *supra* note 77, at 160; McKinney, *supra* note 144.

181. *See* Iqbal, *supra* note 161.

182. Edward Mendelson, *Google Docs, Sheets, and Slides Review*, PCMAG, http://www.pcmag.com/reviews/google-docs-sheets-and-slides (last updated May 9, 2018); *see also infra* app. A.

183. *See infra* app. A.

184. *Cf.* James D. Dimitri, *WordWise: Best Practices in Document Design*, RES GESTAE, May 2014, at 24, 24.

185. *See "It's in the Syllabus!"*, *supra* note 157.

1. **High Contrast**—Text and images should contrast with the background (i.e., dark text on a light background or vice versa);[186]

2. **Fonts**—Use a proportionally spaced, serif font, at least 12pt;[187]

3. **Navigation**—Word and PowerPoint (and their Mac and Google counterparts) include icons such as play, stop, forward, backwards, and home. Use such icons consistently and in the same place. In Word, writers should use style-headings to aid navigation, including a synced table of contents. In PowerPoint, designers should manually check reading order in the Accessibility tool.[188]

4. **Minimize Verbiage/Maximize Images**—Content should be well organized and well-written, in plain English, with simple sentences. Use hyperlinks and other navigation strategies to avoid excess information within the interactive syllabus. For example, link to campus-wide policies that are likely stored on the internet, rather than including them in the syllabus.[189]

5. **Multimedia Elements**—Ensure that images and objects have alternative text that describe those items; charts or tables should be inserted from within the app, not copied and pasted from other apps; videos should include closed captions. For large media items, insert the item "from the web" or

186. *See* John Whiting, *Assistive Technology Experiment: High Contrast*, WEBAIM (Feb. 24, 2012), http://webaim.org/blog/high-contrast/ (providing an example of high contrast and low contrast).

187. *See* Dimitri, *supra* note 184, at 26.

188. *Why Consistency is Important to Accessible Design*, *supra* note 168; Henry et al., *supra* note 168; *Make Your PowerPoint Presentations Accessible to People with Disabilities*, MICROSOFT: SUPPORT, http://support.microsoft.com/en-us/topic/make-your-powerpoint-presentations-accessible-to-people-with-disabilities-6f7772b2-2f33-4bd2-8ca7-dae3b2b3ef25?ui=en-us&rs=en-us&ad=us (last visited May 12, 2021).

189. *See Create or Edit a Hyperlink*, *supra* note 164.

by URL, rather than embedding media directly into Word or PowerPoint.[190]

6. **Hyperlinking**—When a writer spells-out a URL, a screen reader reads every single character; rather than copying and pasting entire URLs, use a URL shortening service or set plain English display text. For example, rather than typing:[191]

   Visit my website: www.jajonesjurist.com.

   Instead, type the following, and hyperlink the name of the website:

   Visit JAJONES Jurist.[192]

This approach allows the screen reader to provide the screen tip when the mouse or cursor encounters the hyperlinked language, and it reads the words that are hyperlinked, rather than each URL character.[193] Be sure to include a screen tip, such as, "Click here to visit JA Jones Jurist."[194] For a tutorial on hyperlinks, visit this Microsoft tutorial.[195]

7. **Integration**—with class platforms (LMS, Poll Everywhere, Zoom, etc.); go beyond basic apps and use apps that engage the student with quizzes, in-class polls, and other interactive tools.[196]

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190. *See Insert and Play a Video File from Your Computer*, *supra* note 163.

191. *See Create or Edit a Hyperlink*, *supra* note 164 (providing a tutorial about inserting hyperlinks).

192. *See id.*; *Joshua Aaron Jones*, JA JONES JURIST, http://www.jajonesjurist.com (last visited May 12, 2021).

193. *Id.*

194. *See id.*

195. *See Create or Edit a Hyperlink*, *supra* note 164. Some might argue that the URL should also be typed out in full, to further UDL principles, despite how annoying it is to hear a screen-reading app spell every URL character. *See id.*

196. Emma O'Neill, *4 Benefits of Integrating Zoom with your LMS*, LEARNUPON: BLOG (May 12, 2020), http://www.learnupon.com/blog/lms-zoom-integration-benefits/; Rob Boone, *5 Reasons Poll Everywhere's PowerPoint, Keynote, and Google Slides Apps are Such a Big Deal*, POLL EVERYWHERE: BUS., http://blog.polleverywhere.com/native-integration/ (last visited May 12, 2021); Carl Hooker, *25 Strategies to Engage Students on Your Next Zoom Meeting*, HOOKED ON INNOVATION (May 13, 2020), http://hookedoninnovation.com/2020/05/13/25-strategies-to-engage-zoom/.

8. **Redundancy**—Consistent with UDL principles, the interactive syllabus is one piece of many means by which students may engage with class materials; the same navigation and information should appear in multiple locations throughout the course design.[197]

D. *My Example*

For my Spring 2021 Legal Communication and Analysis course, I created an interactive syllabus in PowerPoint that was based on my updated traditional syllabus.[198] Please visit my website to download the example.[199] See Appendix B for selected slides.[200] The example aspires to UDL and full accessibility, and it was designed with each of the foregoing elements in mind.[201]

The example includes a title page, followed by an instructional page that explains the point of the interactive syllabus and the navigation.[202] The navigation icons recur in the same location on each page.[203] Next, the interactive syllabus provides a table of contents, with hyperlinks to pertinent pages within the syllabus.[204] That *slide* or page includes the four learning modules and the lists of assignments for each module.[205] Those assignment titles link to slides that further explain the assignment, and those assignment explanations are cross-linked with the assignments set-up in Canvas (my school's LMS).[206] Each assignment page of the interactive syllabus includes reading related to the assignment, objectives, expectations, points available, whether collaboration is allowed, and the due date.[207] The example includes the usual syllabus information, such as a schedule and reading list, all with hyperlinks, including to the Connected Casebook.[208] The same information is within Canvas, but redundancy ensures that a larger number of students will receive the content.[209] The syllabus has an appropriate font, high

197. *See* Evmenova, *supra* note 77, at 148.
198. *See infra* Appendix B.
199. *Joshua Aaron Jones*, *supra* note 192.
200. *See infra* Appendix B.
201. *See Joshua Aaron Jones*, *supra* note 192.
202. *Id.*
203. *Id.*
204. *Id.*
205. *Id.*
206. *Joshua Aaron Jones*, *supra* note 192.
207. *Id.*
208. *Id.*; *see also* CASEBOOKCONNECT, http://www.casebookconnect.com (last visited May 12, 2021).
209. *Joshua Aaron Jones*, *supra* note 192; *see also* Mandernach, *supra* note 151, at 3–4.

contrast, and attractive images that are properly described in alternative text.[210] Videos on topics such as goal-setting and attendance appear at appropriate spots.[211]

V. CONCLUSION

Like it or not, online learning—both blended and entirely online courses—is here to stay.[212] All professors should become familiar with basic education principles.* These include education history, learning theories, taxonomies to classify learning objectives, and pedagogical frameworks and their methods.[213] The current student body does not thrive from passive learning.[214] A professor's scholarship or research reputation cannot stand alone.* The Community of Inquiry pedagogical framework, recognizing the diversity of learning modalities and striving towards differentiated instruction through universal design techniques, is a sound model for the current state of distance education and future education.[215]

The traditional paper syllabus, despite its significance to class function and student performance, is often overlooked.[216] Students will more accurately recall the important information from an interactive syllabus—full of links, images, videos, and other elements that engage.[217] They may even find the motivation to revisit the interactive syllabus.[218] Most professors already have the basic technology skills to create an interactive syllabus as a complement to the traditional syllabus, and with a little creativity, the flat, paper syllabus can become a dynamic and memorable class artifact.[219] A teacher need not go "all out" with extreme design, such as 3D elements and animation, though such options are available even in Microsoft Word and PowerPoint.[220] With some trial and error—and courage to explore app menus—any professor can create a fully accessible, interactive syllabi that offers multiple means of representation, engagement, and expression that provides social, cognitive, teaching, and learning presence.[221]

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210. *Joshua Aaron Jones*, *supra* note 192.
211. *Id.*
212. U.S. DEP'T OF EDUC., *supra* note 132, at xi, 1.
213. *See* Roehl et al., *supra* note 100, at 45.
214. *See id.* at 44, 45.
215. Fiock, *supra* note 2, at 139–40; Tomlinson et al., *supra* note 34, at 121.
216. *See* Baldry & Davi, *supra* note 176.
217. *See id.*; McKinney, *supra* note 144.
218. *See* Baldry & Davi, *supra* note 176; McKinney, *supra* note 144.
219. *See* McKinney, *supra* note 144.
220. *See id.*
221. *See id.*

APPENDIX A: LIST OF APPS TO DEVELOP AN ONLINE SYLLABUS

	Microsoft[222]	Mac[223]	Google[224]	Adobe[225]
Word Processing	Word	Pages	Docs	InCopy
Presentation	PowerPoint	Keynote	Slides	InDesign
Spreadsheets	Excel	Numbers	Sheets	
Image Processing	Microsoft Photo Editor	Photos	Google Photos	Photoshop, Photoshop Express, Photoshop Camera, Lightroom, Illustrator, Adobe Stock Photos, Animate, Spark Acrobat
Audio	Windows Voice Recorder	Garage Band		Audition
Video	Microsoft Stream	iMovie, QuickTime, FaceTime	YouTube, Google Meet	Premiere Pro After Effects, Animate

222. *See Office 365 Education*, MICROSOFT: EDUC., http://www.microsoft.com/en-us/education/products/office/default.aspx (last visited May 12, 2021).

223. *See iWork*, APPLE, http://www.apple.com/iwork/ (last visited May 12, 2021); *Microsoft Office*, APPLE, http://apps.apple.com/us/app/microsoft-office/id541164041 (last visited May 12, 2021).

224. *See* GOOGLE WORKSPACE, http://workspace.google.com/ (last visited May 12, 2021).

225. *See* ADOBE CREATIVE CLOUD, http://adobe.ly/3rAnlJS (last visited May 12, 2021).

The platforms and applications listed above are available either as downloads from their respective platforms or are already installed with Windows 10 or MacOS.[226] Most apps are also available for Android or iOS (Mac's mobile operating system).[227]

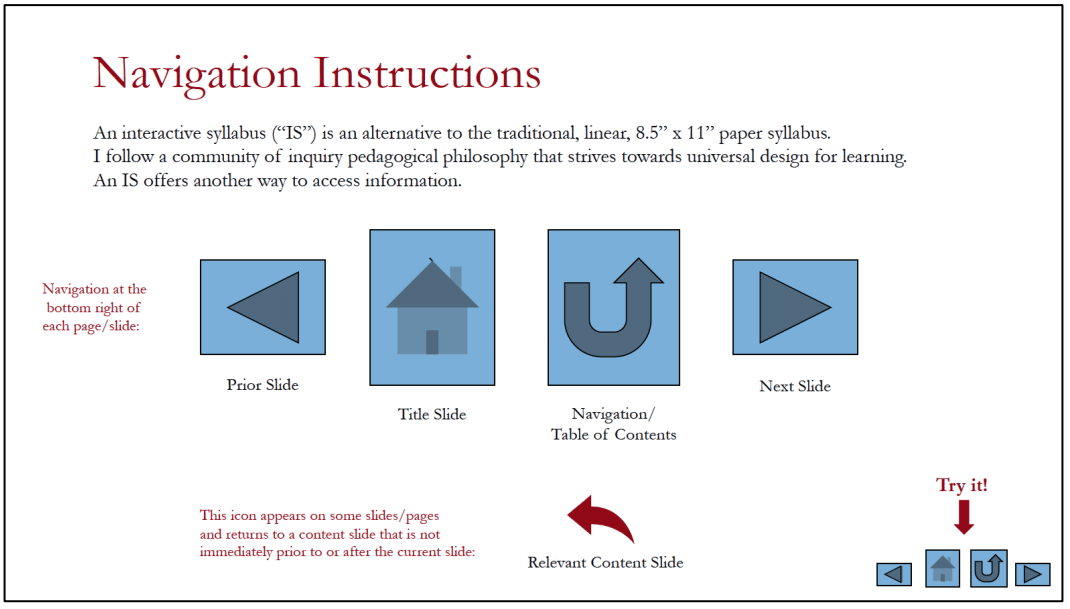
Independent or less common apps that could be helpful include: Prezi, Pixton, Piktochart, Polleverywhere, Thinglink, Toonly, TopHat.[228]

226. *See Office 365 Education*, *supra* note 222; *Microsoft Office*, *supra* note 223; GOOGLE WORKSPACE, *supra* note 224; ADOBE CREATIVE CLOUD, *supra* note 225.

227. *See Office 365 Education*, *supra* note 222; *Microsoft Office*, *supra* note 223; GOOGLE WORKSPACE, *supra* note 224; ADOBE CREATIVE CLOUD, *supra* note 225.

228. PREZI, http://prezi.com/ (last visited May 12, 2021); PIXTON, http://www.pixton.com/ (last visited May 12, 2021); PIKTOCHART, http://piktochart.com/ (last visited May 12, 2021); POLLEVERYWHERE, http://www.polleverywhere.com/ (last visited May 12, 2021); THINGLINK, http://www.thinglink.com/ (last visited May 12, 2021); TOONLY, http://www.toonly.com/ (last visited May 12, 2021); TOP HAT, http://tophat.com/ (last visited May 12, 2021).

APPENDIX B – SELECTED SLIDES



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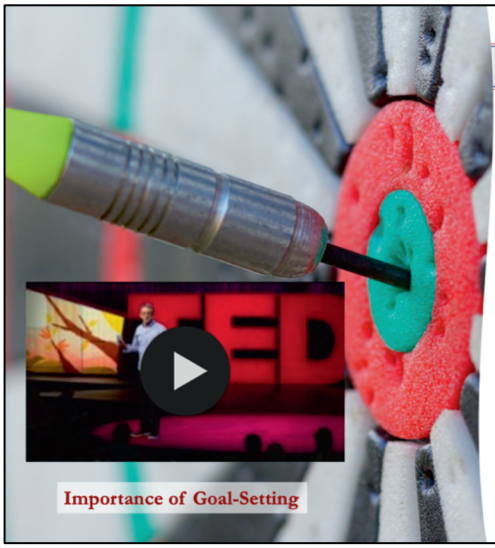
Research Report 1
Trial Brief Argument
Research Report 2
Appellate Argument

Technology
Microsoft Word
Microsoft Excel
Microsoft PowerPoint
Adobe Acrobat
E-Filing

Professionalism
Resilience
Teamwork



Objectives

In Legal Communication & Analysis II, we will revisit and expand upon the lawyering skills that you learned last semester: legal research, legal citation, legal analysis, legal writing, multicultural awareness, and mindfulness. We will also add technology as an objective.

You will learn to craft persuasive arguments from objective reasoning. The course will introduce you to basic oral advocacy skills that every competent lawyer must possess if they are to argue legal issues on a client's behalf. That includes letters, phone calls, alternative dispute resolution, trial courts, or appellate courts.

At this course's conclusion, you should be able to do the following, with basic competence—

- Efficiently use Microsoft Office apps and Adobe Acrobat
- Write a client letter with predictive advice
- Write an email memo
- Write informative and persuasive legal briefs for trial courts and appellate courts
- Give an oral presentation about a client's case to a supervising attorney and
- Present an oral argument to a trial court and an appellate court.

Appellate Brief

Reading: LWH chpts. 22, 24-34

Building on the persuasive-writing skills that you learned in the Trial Brief assignment, the Appellate Brief assignment will teach you how to write a brief to an appellate court.

You will be assigned to represent a client in a hypothetical appeal, so that you will learn the process of appealing a trial court's decision.

You will also learn how written arguments to an appellate court may differ in type and scope from written arguments to a trial court.

DUE:	**April 11, 11:59 PM, via Canvas**
Objectives:	• Improve persuasive writing skills; • Learn to work at the appellate level, including understanding standards of review and process; • Learn to build credibility with the tribunal and opposing counsel; • Efficiently use Microsoft Office and Adobe Acrobat
Expectations:	See rubric in Canvas. Including each section and proper formatting are extremely important.
Teamwork:	This is an independent project. Do not collaborate with others.
Points:	500

Visit: People > Groups > Appellate Briefs to find on which side of the case Canvas randomly assigned for you.