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TRANSATLANTIC PERSPECTIVES ON TEACHING THE EUROPEAN UNION

**TEACHING EU LAW AND POLICY: COMPARING ON-SITE VS. ON-LINE TEACHING
APPROACHES AND COMPONENTS**

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ABSTRACT:

American legal education has historically been dominated by lectures and the use of the Socratic method. However, with the advent of more pervasive and powerful technology-based tools such as personal computers and the internet, some law schools are offering courses in an on-line setting. The University of Denver Sturm College of Law, which offers a course in “European Law & Policy” in an on-site as well as on-line setting, is one of the leaders in using technology to create student-centered learning experiences. This paper considers on-line learning in the context of legal education, assesses and compares the on-line versus on-site approach, and provides a list of lessons learned.

1. INTRODUCTION

On-line teaching is gaining acceptance in education generally and in law schools in particular.² The dean of one highly-ranked law school has gone so far as to say, “No conference of international legal educators can afford to ignore the...revolutionary potential of distance learning. American law schools, restrained by regulation and comfort at the elite level that has dominated so much educational policy, have been laggards. They are now

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² Roy Stuckey and Others, BEST PRACTICES FOR LEGAL EDUCATION: A VISION AND A ROAD MAP, Clinical Legal Education Association (2007), 118; *available at* http://law.sc.edu/faculty/stuckey/best_practices/best_practices.pdf (last visited May 10, 2007) [hereinafter “Stuckey”].

poised to catch up and fuel some real change.”³ Having said that, however, American law school courses have traditionally been undertaken in a classroom setting.

This paper compares an “on-site” (i.e., in the classroom) teaching approach with an “on-line” (i.e., distance learning over the internet) teaching approach in the context of “European Union Law & Policy” as offered and taught by the University of Denver Sturm College of Law (DU). (The on-site and on-line courses have been offered by DU at least once a year beginning in 2002.) The paper’s objective is to examine and consider the relative strengths and weaknesses of each teaching/learning approach.

Section 2 describes the evolution of legal education in terms of traditional educational approaches, key trends in legal education, distance learning in general, and finally distance learning in legal education. Next attention focuses in section 3 on descriptions of the on-site and on-line EU Law & Policy courses. The comparative strengths and weaknesses are also considered. In section 4 the on-site versus on-line teaching approaches are compared. Lessons learned – particularly with respect to the on-line course – are explored in section 5, while future improvements in the on-line course are examined in section 6. Conclusions are summarized in section 7.

2. THE EVOLUTION OF LEGAL EDUCATION

2.1. Traditional Legal Education

To a large degree, the pattern of legal education has changed very little in more than 100 years. In this regard, “The curriculum, the method of instruction, the structure of the faculty, and the student profiles were set in the late 19th century and have displayed marked resistance to change.”⁴

In the early days of legal education, the principle teaching approach involved lecturing to students. Some time later, the teaching of the law evolved to more “interactive verbal techniques” including the Socratic method of questioning students about cases.⁵ While the case-method of teaching law unquestionably has its strengths,⁶ it also has unintended consequences including encouraging individuals to think like students as opposed to thinking like an “apprentice practitioner.”⁷

³ David Partlett, “Distance Learning: Loosening the Ties That Bind,” American Association of Law Schools 2004 Conference on Educating Lawyers for Transnational Challenges, *available at* <http://www.aals.org/international2004/Papers/partlett.pdf> (last visited May 10, 2007) [hereinafter “Partlett”].

⁴ *Id.*

⁵ Joan MacLeod Hemingway, “Caught in (or on) the Web: A Review of Course Management Systems for Legal Education,” 16 ALBANY LAW JOURNAL OF SCIENCE & TECHNOLOGY 265, 271 (2006) [hereinafter “Hemingway”].

⁶ E.g., students are required to look at a particular legal situation from the viewpoints of a diverse group of interested parties. William M. Sullivan, Anne Colby, Judith Welch Wegner, Lloyd Bond, Lee S. Shulman, EDUCATING LAWYERS: PREPARATION FOR THE PROFESSION OF LAW, The Carnegie Foundation for the Advancement of Teaching (2007), 5, summary *available at* http://www.carnegiefoundation.org/files/elibrary/EducatingLawyers_summary.pdf (last visited May 2, 2007) [hereinafter “Sullivan”].

⁷ *Id.* at 6.

Another foundation of the current teaching approach is the frequent use of end-of-semester (or end of course) final exams that largely determine a student's grade. For example, at the end of their first and second semesters most law students face a battery of essay exams "in each doctrinal course [that] will determine students' relative rankings, opening academic options for the remainder of some students' legal education and legal careers – and close them for others."⁸ On the other hand, formative assessment, which promotes student learning rather than simply sorting and ranking, has generated little interest in law schools despite current learning theories suggesting that learning outcomes can be "significantly enhanced" by formative assessment.⁹

2.2. Key Trends in Legal Education

While much in legal education has not changed, there are some notable trends taking place. These trends are likely to have a major impact in how law is taught in the U.S.

First, students entering law school today expect technology to be used in legal education because "they grew up with technology and use it in nearly every aspect of their daily lives."¹⁰ These new students have known about the internet and e-mail, among other electronic applications, since their earliest years and they routinely use these technologies.¹¹ Moreover, the internet is changing the way lawyers practice as well as interact with clients and peers. Put another way, "As a knowledge-based service industry, law is sensitive to changes in the information environment, and lawyers who find ways to exploit technology to manage that environment...will see tremendous gains," according to Gene Koo, the Berkman Fellow at the Berkman Center for Internet & Society at Harvard Law School.¹² On a related topic, tomorrow's lawyers will need to develop "technical/social skills" enabling them to effectively utilize the work space platform represented by technology. Mr. Koo argues that techno-social skills – the use of technology as a means of social exchange – "are becoming increasingly important to attorneys."¹³ For example, he says e-mail "is to a lawyer the equivalent of a surgeon's scalpel."¹⁴

Second, the globalization of the law and legal practice is proceeding apace. Indeed Prof. N. William Hines, former president of the Association of American Law Schools, has observed that the most important change that has taken place in U.S. law schools in the past 25 years is globalization. Pointing out that in 2004 the U.S. exported \$1.25 billion in legal services while importing nearly \$1.5 billion in overseas legal services, Prof. Hines has said, "It is the rare lawyers' gathering or academic conference today at which one segment of the program

⁸ *Id.* at 7.

⁹ *Id.* at 7.

¹⁰ Hemingway, *supra* note 5, at 283.

¹¹ Hemingway, *supra* note 5, at 284. On a similar note, it has been suggested that technology must be taken into account in today's learning environments. "It makes sense that as the schools of 1900 were responsive to the industrial workforce, so should schools today reflect the global workforce." Susan McLester, "Technology Literacy and the MySpace Generation: They're not Asking Permission," *TECHNOLOGY & LEARNING* (March 2007), 17, 22.

¹² Gene Koo, *NEW SKILLS, NEW LEARNING: LEGAL EDUCATION AND THE PROMISE OF TECHNOLOGY*, The Berkman Center for Internet & Society at Harvard Law School, Research Publication No. 2007-4 (March 2007), 24, available at <http://cyber.law.harvard.edu/publications> (last visited May 2, 2007) [hereinafter "Koo"].

¹³ *Id.*

¹⁴ *Id.*

is not devoted to the pervasiveness of transnational legal issues, the implications of the continued globalization of law practice, or some current issue in international law.”¹⁵ Moreover, the changes may just be getting started. “I would wager that over the next 25 years the changes in the professional lives of U.S. lawyers and law teachers wrought by continuing globalization will more than eclipse those we have seen since 1980,” Prof. Hines has written.¹⁶ Similarly Berkman Fellow Gene Koo has suggested, “Tomorrow’s lawyers will be...working with colleagues and clients spanning the globe...”¹⁷

Third, engaging students in active learning – including establishing a learning environment in which “real world” issues are explored in the context of learned concepts¹⁸ – should become a more prominent aspect of legal education. In a 2007 seminal study, *Best Practices for Legal Education: A Vision and a Roadmap*, a distinguished panel of legal education experts wrote that actively engaged students are better learners. Requiring students to “share responsibility for acquiring knowledge, skills, and values” demands that students analyze, synthesize, and evaluate.¹⁹ Put another way, active learning “produces more lasting value to students who are better equipped to process new information and solve new problems within the context of their self-created schemata.”²⁰ In comparison, “Socratic dialogue does not promote active learning, except for the student who happens to be on the hot seat, and perhaps not even then. Other students do not participate in the dialogue but are expected to learn vicariously by watching the interchange.”²¹ In summary, through active learning students learn to assemble, organize, and create knowledge rather than simply collect it.²²

Fourth, the effectiveness of the current forms of law student assessment – principally the one-time end-of-semester exam – is coming under increasing scrutiny. It has been suggested that despite legal educators’ long adherence to these exams, “[T]he end-of-semester essay exam is an inadequate method for assessing student learning, and the fundamental aspects of our current practice are significantly flawed.”²³ Talbot D’Alemberte, former president of the American Bar Association and former dean of the Florida State University School of Law, two decades ago put it even more bluntly: “Is there any education theorist who would endorse a program that has students take a class for a full semester or a full year and get a single examination at the end? People who conduct that kind of educational program are not trying to educate.”²⁴ On the other hand, multiple exams or assessments are being touted as the best practice for evaluating law student learning. The accuracy about student performance increases in the context of multiple evaluations. *Best Practices for Legal Education*

¹⁵ N. William Hines, “Ten Major Changes in Legal Education Over the Past 25 Years,” AALSNEWS, November 2005, 1, 5, available at http://www.aals.org/documents/aals_newsletter_nov05.pdf (last visited May 10, 2007) [hereinafter “Hines”].

¹⁶ *Id.* at 1,5.

¹⁷ Koo, *supra* note 12, at 24.

¹⁸ ENGAGING LEGAL EDUCATION: MOVING BEYOND THE STATUS QUO, LAW SCHOOL SURVEY OF STUDENT ENGAGEMENT: 2006 ANNUAL SURVEY RESULTS, Association of American Law Schools and the Carnegie Foundation (2006), 8 [hereinafter “ENGAGING LEGAL EDUCATION”].

¹⁹ Stuckey, *supra* note 2, at 91.

²⁰ Paul L. Caron, “Back to the Future: Teaching Law Through Stories,” 71 UNIVERSITY OF CINCINNATI LAW REVIEW 405, 406-07 (2002).

²¹ Stuckey, *supra* note 2, at 91-92.

²² ENGAGING LEGAL EDUCATION, *supra* note 18, at 8.

²³ Stuckey, *supra* note 2, at 177.

²⁴ Talbot D’Alemberte, “Interview: Talbot D’Alemberte on Legal Education,” AMERICAN BAR ASSOCIATION JOURNAL (September 1990), 52, 52.

argues, “A single assessment has significant potential for error because a student might be ill or have other personal issues that can distort the accuracy of the evaluation. The potential for distortion is exacerbated by the fact that a single assessment produces higher levels of stress because of its significance to the student’s grade...Similarly, there is a greater potential for teacher error if only one summative assessment is administered per term...”²⁵

An important subpart of the assessment issue is the matter of improving student feedback.²⁶ As far back as 1979 the American Bar Association Task Force on Lawyer Competency urged, “...[l]aw schools and law teachers should develop and use more comprehensive methods of measuring law student performance than the typical end-of-the-term examination. Students should be given detailed critiques of their performance.”²⁷ While this is not generally (and has never really been) the case, *Best Practices* suggests a major change: “Teachers should return all written exams and papers to students, with notes indicating specific strengths and shortcomings. Teachers should explain to students how they fared on other forms of summative evaluations.”²⁸ To be most effective, feedback should be prompt so as to allow “students to take control of their own learning by obtaining necessary remediation for identified deficiencies in their understanding and to adjust their approaches to future learning endeavors.”²⁹ Additionally, feedback should: (1) recognize a student’s performance; (2) pinpoint the likely source of any errors; and (3) be encouraging.³⁰ Finally, the amount of feedback may be key to its intended effectiveness. Excessive or large amounts of feedback may overwhelm a student so “more [feedback] is not always better.”³¹ In summary, the *Law School Survey of Student Engagement: 2006* suggests, “Students who have more opportunities to assess their own progress and refocus their studying in light of feedback tend to gain more in higher level thinking skills. That is, those students who are given an opportunity to ‘know what they know’ also figure out what they don’t know, and respond accordingly.”³²

2.3. Overview of Distance Education

While distance education has attracted considerable attention in recent years, its use actually began in the 19th century with the aim of providing the opportunity to learn to those who had no way of attending traditional classes.³³ During the last century, distance learning

²⁵ Stuckey, *supra* note 2, at 194.

²⁶ In addition to the pedagogical considerations involved with improving feedback to law students, there may be another compelling reason: Students receiving timely written or oral feedback tend to have more positive overall experiences in law school. THE LAW SCHOOL YEARS: PROBING QUESTIONS, ACTIONABLE DATA, LAW SCHOOL SURVEY OF STUDENT ENGAGEMENT: 2005 ANNUAL SURVEY RESULTS, Association of American Law Schools and the Carnegie Foundation, 18, available at http://lssse.iub.edu/2005_Annual_Report/pdf/LSSSE_2005_Annual_Report.pdf (last checked May 7, 2007) [hereinafter “THE LAW SCHOOL YEARS”].

²⁷ American Bar Association, Section of Legal Education and Admissions to the Bar, REPORT AND RECOMMENDATIONS OF THE TASK FORCE ON LAWYER COMPETENCY: THE ROLE OF THE LAW SCHOOLS (1979), 4.

²⁸ Stuckey, *supra* note 2, at 195.

²⁹ Stuckey, *supra* note 2, at 92.

³⁰ Deborah Maranville, “Infusing Passion and Context Into the Traditional Law Curriculum Through Experiential Learning,” 51 JOURNAL OF LEGAL EDUCATION 51, 73 (March 2001) [hereinafter “Maranville”].

³¹ *Id.* at 73.

³² ENGAGING LEGAL EDUCATION, *supra* note 18, at 11.

³³ L.L. Warren and H.L. Holloman Jr., “On-line instruction: Are the outcomes the same?” JOURNAL OF INSTRUCTIONAL PSYCHOLOGY, 32 (2) (June 2005), 148, 148 [hereinafter “Warren and Holloman”].

modalities included courses offered by correspondence, television, radio, and videotapes. The most recent modality has been the internet, which has allowed nearly anyone with on-line access to take courses at a time and place that best suits their needs. One form of distance education – and the one focused on in this paper – is delivered online, using asynchronous (as well as in some instances synchronous) forms of communication in instructing students.³⁴

A number of factors including advancements in business, technology, and the rapid development of globalization have combined to compel “traditional education institutions to move towards distance pedagogical models.”³⁵ Of particular importance is the flexibility that is a part of distance learning education – students no longer must organize their personal and professional schedules or wait for class to begin in order to learn.³⁶

To be sure, there have been on-going debates comparing the effectiveness of traditional on-site learning versus distance learning. While a full consideration of this debate is beyond the scope of this paper, it is useful to consider one of the key issues – the degree to which “physical intimacy” is needed as part of the learning process. On the one hand there is the argument that physical proximity is required for educational interaction and intimacy. In this context, “The deeply embedded metaphor that links physical proximity with effective instruction leads to the logically circular conclusion that ‘students far away lack intimate or authentic interaction because they are far away,’ which, in turn, leads to the notion that distance education must be ‘impersonal’ and devoid of the ideal qualities of personal contact, socialization, and sensory engagement.”³⁷ However, there is the countervailing argument that there is no evidence demonstrating the superiority of the traditional “lecturing in a classroom” approach. While the lecture method may well “have been useful in the past, . . . in the modern context it tires the teacher and leaves the student uninterested and often hostile. . . [S]tudents may admire the eloquence of their college teachers, but in the process they relapse into a state of intellectual passivity.”³⁸

Meanwhile, there is growing interest in the concept of “transactional distance,” which refers “to a distance that is more than simply a geographic separation of learners and teachers. It is a distance of understandings and perceptions, caused in part by geographic distance, that has to be overcome by teachers, learners and educational organizations if effective, deliberate,

³⁴ Virgil E. Varvel Jr., “Master Online Teacher Competencies,” Vol. 10, Issue 1 ONLINE JOURNAL OF DISTANCE LEARNING ADMINISTRATION (Spring 2007), available at <http://www.westga.edu/~distance/ojdla/spring101/varvel101.htm> (last visited May 6, 2007).

³⁵ Lisa Marie Portugal, “Emerging Leadership Roles in Distance Education: Current State of Affairs and Forecasting Future Trends,” Vol. 9, Issue 3 ONLINE JOURNAL OF DISTANCE LEARNING ADMINISTRATION (Fall 2006), available at <http://www.westga.edu/~distance/ojdla/fall93/portugal93.htm> (last visited May 6, 2007).

³⁶ *Id.* This also applies to lifelong learners for whom distance learning means “the ability to advance his or her skills in a changing knowledge and digital economy anywhere and at anytime.” *Id.*

³⁷ John J. Ketterer and George E. Marsh II, “Re-conceptualizing Intimacy and Distance in Instructional Models,” Vol. 9, Issue 4 ONLINE JOURNAL OF DISTANCE LEARNING ADMINISTRATION (Spring 2006), available at <http://www.westga.edu/~distance/ojdla/spring91/ketterer91.htm> (last visited May 6, 2007) [hereinafter “Ketterer and Marsh”].

³⁸ *Id.*

planned learning is to occur.”³⁹ In this concept, “distance in education is measured by the independence that the learner requires in the teaching and learning process, and the requisite structure that the instructor or the instructional institution must bring to bear to ensure that students have met the learning objectives.”⁴⁰ Put another way, “In programs with little transactional distance, the learner receives directions and guidance through both the structure of the course and dialogue with the instructor. In more distant programs, learners have to make their own decisions about study strategies.”⁴¹ The determining factors of a successful distance education experience include the degree to which: (1) the instructor (and/or the institution) can provide a suitable level of dialogue between learner and teacher; and (2) the availability of appropriately organized materials for learning.⁴²

While it has been suggested that “The distinction between face-to-face and ‘distance’ defined as a geographic separation is a useless one... Transactional distance applies to both so-called face-to-face, and when the learner and instructor are not under the same roof,”⁴³ the full ramifications of transactional distance in the context of distance learning remain to be realized.⁴⁴

Finally, there is the question of the effectiveness of distance learning versus on-site learning. There is a great deal more research to be done on this issue, but at least one recent study found “no significant difference between the face-to-face [learning] and the on-line [learning].”⁴⁵ The study involved 52 graduate students who were organized into two sections of the same course. One section learned on-line while the other section learned using the traditional classroom concept. Additionally, university-administered course evaluations revealed no major differences in satisfaction between the students in the different sections.⁴⁶ While the results of the study “are encouraging in supporting distance education as providing educational opportunities for an ever-increasing diverse and mobile society,” there is additional need to consider the impact of on-line delivery on society and students.⁴⁷

2.4. Distance Learning in Law Schools

The American Bar Association handles accreditation for most U.S. law schools.⁴⁸ In this regard, The Council of the ABA Section of Legal Education & Admissions to the Bar is recognized by the U.S. Department of Education as the accrediting agency for programs

³⁹ Michael G. Moore, “Editorial: Distance Learning Theory,” Vol. 5, No. 1 THE AMERICAN JOURNAL OF DISTANCE EDUCATION (1991), available at http://www.ajde.com/Contents/vol5_3.htm#editorial (last visited May 8, 2007) [hereinafter “Moore”].

⁴⁰ Farhad Saba, “Is Distance Education Losing Its Identity? Or What Should We Call Our Field These Days?” 21st Annual Conference on Distance Teaching and Learning (2005), available at http://www.uwex.edu/disted/conference/Resource_library/proceedings/05_1662.pdf (last visited May 8, 2007) [hereinafter “Saba”].

⁴¹ Moore, *supra* note 39.

⁴² Moore, *supra* note 39.

⁴³ Ketterer and Marsh, *supra* note 37.

⁴⁴ Saba, *supra* note 40.

⁴⁵ Warren and Holloman, *supra* note 33, at 150.

⁴⁶ Warren and Holloman, *supra* note 33, at 150.

⁴⁷ Warren and Holloman, *supra* note 33, at 150.

⁴⁸ American Bar Association Law School Approval Process (August 2006), available at <http://www.abanet.org/legaled/accreditation/abarole.html> (last visited May 8, 2007).

leading to a first professional degree in law.⁴⁹ Because most states require that an applicant for the bar examination hold a degree from an ABA-accredited law school, the influence of The Council over law school course offerings is substantial.

Distance learning in a law school setting is defined by the American Bar Association Section of Legal Education & Admissions to the Bar as “an educational process characterized by the separation, in time or place, between instructor and student.”⁵⁰ Among the delivery modalities foreseen by the rule are using the internet as well as audio and video conferencing.⁵¹ The American Bar Association’s Distance Education Standard 306, provides that a law school may award credit for distance education so long as: (1) there is “ample interaction” between the instructor and the students;⁵² and (2) there is “ample monitoring” of student effort and achievement through the progression of the course.⁵³ In addition, there are several restrictions related to distance education. First, distance courses cannot represent more than four credit hours for a student during any term or more than a total of 12 credit hours, toward a law degree.⁵⁴ Second, only students with more than 28 credit hours toward their law degree are allowed to enroll in distance education courses.⁵⁵ The ABA requires that each credit hour associated with a distance learning class represent 700 minutes of instruction.⁵⁶

The use of distance learning in the legal education setting has attracted considerable attention in legal academic circles⁵⁷ as well as in legal news.⁵⁸ Among the reasons pointed to are: (1) increased opportunities for law students to collaborate with professionals in other fields;⁵⁹ (2) allowing law students to take courses without needing to be in specific a physical

⁴⁹ See http://www.ed.gov/about/offices/list/ous/international/usnei/us/edlite-accred-recog_associations.html (last visited May 8, 2007).

⁵⁰ American Bar Association, Section of Legal Education & Admissions to the Bar, Standard 306: Distance Education (b).

⁵¹ American Bar Association, Section of Legal Education & Admissions to the Bar, Standard 306: Distance Education (b) (1), (2).

⁵² American Bar Association, Section of Legal Education & Admissions to the Bar, Standard 306: Distance Education (c) (1).

⁵³ American Bar Association, Section of Legal Education & Admissions to the Bar, Standard 306: Distance Education (c) (2).

⁵⁴ American Bar Association, Section of Legal Education & Admissions to the Bar, Standard 306: Distance Education (d).

⁵⁵ American Bar Association, Section of Legal Education & Admissions to the Bar, Standard 306: Distance Education (e).

⁵⁶ American Bar Association, Section of Legal Education & Admissions to the Bar, Standard 306: Distance Education, Interpretation 306-7.

⁵⁷ See e.g., Linda C. Fentiman, “A Distance Education Primer: Lessons From my Life as a Dot.Edu Entrepreneur,” 6 NORTH CAROLINA JOURNAL OF LAW & TECHNOLOGY 41-69 (Fall 2004) [hereinafter “Fentiman”]; Michael L. Perlin, “An Internet-Based Mental Disability Law Program: Implications for Social Change in Nations With Developing Economies,” 30 FORDHAM INTERNATIONAL LAW JOURNAL 435-454 (January 2007) [hereinafter “Perlin”]; Daniel C. Powell, “Five Recommendations to Law Schools Offering Legal Instruction Over the Internet,” 11 JOURNAL OF TECHNOLOGY LAW & POLICY 285 (December 2006) [hereinafter “Powell”].

⁵⁸ See e.g., Leigh Jones, “Going the Distance: On-line Courses Proliferate as the ABA Gives Schools More Leeway,” THE NATIONAL LAW JOURNAL, Sept. 11, 2006 [hereinafter “Jones”].

⁵⁹ Paula E. Berg, “Using Distance Learning to Enhance Cross-Listed Interdisciplinary Law School Courses, 29 RUTGERS COMPUTER & TECHNOLOGY LAW JOURNAL 33, 34 (2003).

location;⁶⁰ and (3) relieving part-time students of the need to always travel to campus to take a course.⁶¹

3. “EU LAW & POLICY” COURSE

3.1. Objectives

The objective of the University of Denver Sturm College of Law three-credit “EU Law & Policy” course – whether taught in a traditional classroom setting⁶² or on-line⁶³ – is identical: to provide students a working knowledge of the European Union’s historical background, institutional framework, sources of law, and concepts of judicial review. Moreover, the course considers both constitutional and institutional issues as well as focuses on a selection of substantive policy issues (e.g., competition, environment, citizenship, etc.).

Both course “designs” generally include coverage of the same themes and concepts, and both use the same textbook, *Law of the European Union 5th Edition* by John Fairhurst.⁶⁴

3.2. General Description of on-site “EU Law & Policy” Course

The traditionally taught “EU Law & Policy” course consists of two 75-minute classes per week for 14 weeks. The course begins with an initial session where the students and I introduce ourselves. For the most part, this is generally the extent of “personal information sharing” that goes on between the students and me.

During most of the course I lecture and lead class discussions. In some classes there may be a simulation exercise (e.g., in the fall 2006 course students were divided into three groups – the Commission, Microsoft, and the Court of First Instance – to consider and “argue” the *European Commission v. Microsoft* case towards the end of the course).

Student assessment includes four components: (1) class attendance; (2) class participation; (3) participation in a simulation (such as the one described above); and (4) a final paper, which takes the form of a student analyzing a topic of their choice (that has been approved by me) involving some aspect of the course.

3.3. General Description of on-line “EU Law & Policy” Course

The on-line course begins with me individually welcoming (by either e-mail or a phone call) each student to the class. I ask each student to drop me a note or call me and let me know: (1) their level of knowledge about the EU; (2) what they are hoping to accomplish in the

⁶⁰ Perlin, *supra* note 57, at 441.

⁶¹ Peter W. Martin, “Employing Distance Learning Approaches to Improve and Expand Access to Part-Time JD Programs,” 2005 American Association of Law Schools’ Annual Meeting, Jan. 7, 2005, 3, available at www.aals.org/am2005/fripapers/830martin.pdf (last visited May 6, 2007).

⁶² I have taught the course in the classroom in spring 2002, fall 2002, fall 2003, fall 2004, fall 2005, fall 2006.

⁶³ I have taught the course in an on-line setting in the December 2002-January 2003 interterm; summer 2003; December 2003-January 2004 interterm; summer 2004; December 2004-January 2005 interterm; summer 2005; December 2005-January 2006 interterm; summer 2006; December 2006-January 2007 interterm.

⁶⁴ John Fairhurst, *LAW OF THE EUROPEAN UNION 5TH EDITION*, Longman Pearson (2006).

course; and (3) their year in law school. I also ask them to send me their resume or CV. As I get this information I organize it by student for later use when I contact the student or they contact me. In this manner, I am able to get to know nearly each student at a level far greater than a typical on-site student. (If I tried to do the same thing in the on-site course, my efforts might be met with some level of skepticism since this would be a departure from what students are used to.)

On the first day of the course I post a three-part syllabus consisting of: (1) administrative details about the course (how grades are determined, etc.); (2) the outline, reading, video, and writing assignments for the course; and (3) the course calendar containing a week-by-week description of what will be covered.

The on-line course uses not only the text, but also a wide array of videos (about 10 hours total) involving interviews with EU officials and EU opinion leaders. The interviews, most of which I have produced, are intended to put the larger issues in more context.

On-line courses also involve either an on-going web-based discussion board or a live on-line chat with a European-based EU expert.

Student assessment consists of three components. First, there are typically five 2,000-word writing assignments related to a specific issue. Each writing assignment is graded and students receive an individualized commentary from me noting why the paper received the grade it did, how the student could improve his or her performance, and what key points were made in the paper (if nothing else, a student should never feel that he or she has not done anything right; that's the reason to recognize and compliment students on key points they've made). Second, there is a final paper of generally 3,000 words. All writing assignments are expected to be completed in a thorough, well-researched manner. Finally, students are given a grade for "class participation," which in large measure is determined by a student's level of engagement (e.g., involvement in discussion boards; e-mails to me or the class; teleconferences) in the course.

3.4. Assessment of Strengths and Weaknesses

The following two tables summarize the teaching approaches and methods I employ in on-site and on-line learning environments along with the relative strengths and weaknesses of the various approaches and methods.

TABLE I: TRADITIONAL CLASSROOM

Approach/Method		Strengths	Weaknesses
“Administrative” Matters	Defined class time and location	Helps foster cohesive learning environment	Does not easily account for student absences or my inability to be there certain days
	Class announcements	Allows entire class to be addressed at one time	Never entirely sure whether everyone is paying attention
	Course pace	Easy to alter pace	Ease of altering pace may mean that not all materials are covered
	Course materials	For the most part, the text is used	While outside materials are assigned, it’s not always clear whether they are being used
	Drop out rate	About 10-15 percent; students can ask me in person if they have questions related to whether to stay in the course	
“News in the EU” Segment		Brings an immediacy to the issues now confronting the EU	Students often seem ill prepared to speak about the events and simply wait for me to identify and then discuss the issues
Interaction/engagement with students		Can see, listen, and watch students; am available in person to discuss questions/issues	Relatively few students make use of this access despite the fact that I’m there in person
Student assessment:	Are students reading materials?		Difficult to tell on a class-wide basis
*Attendance	Do students understand materials?		Difficult to tell on a class-wide basis
*Class participation	Opportunities for feedback: class participation	Can provide immediate feedback to the entire class and perhaps several students, but not to all students individually	Difficult to provide meaningful individual feedback to every student
*Final Paper	Opportunities for feedback: final paper	Students may voluntarily submit topics and outlines for feedback; however it’s not mandatory simply because of the administrative difficulties	Students generally don’t get feedback on final paper
Engagement with “outside” actors			To the degree that the actors are in Europe, the time difference makes it fairly difficult to carry this out
Summary: Instructor-centered (for the most part)		Instructor maintains ability to lead the class in the direction he/she wants to	However, students may, to a large extent, remain “passive”

TABLE II: DISTANCE LEARNING

Approach/Method		Strengths	Weaknesses
“Administrative” Matters	Course time or location	Course can be taken at nearly anytime and anyplace	Does require computer with access to high speed internet connection
	Class announcements	Allows entire class to be addressed (via e-mail) at one time; because of the written nature, I am certain that everyone receives the message	
	Course pace	Established at the beginning so everyone can plan their schedule	
	Course materials	A rich selection of materials (e.g., text, journal articles, videos, podcasts, websites) are available	
	Drop out rate		Between 15-25 percent
“News in the EU” discussion board or teleconference		It is quite easy to ascertain who is following EU developments	
Interaction/engagement with students		One-on-one interaction is encouraged (e.g., through e-mails, phone calls, video calls) and time is available each day for this interaction	
Student assessment:	Are students reading materials?	It is quite clear based on a student’s participation in discussion board as well as the content of their papers who is reading (and understanding) what	
*Class participation			
*Individual teleconferences	Do students understand materials?	Same as above	
*Papers	Opportunities for feedback: class participation	The series of papers allows me the opportunity to provide feedback to each student on what could be done more effectively to improve performance; over an entire course, students generally do improve performance	
Development of “practice skills”		Today’s law practice environment depends on lawyers being skilled at communicating by e-mail, via phone, and to a developing degree by video conferencing; the on-line course helps students develop these “practice skills” since to a large degree it is their responsibility to keep me informed just as they would keep a client informed	
Engagement with “outside” actors		The involvement of outside actors, and particularly	

	Europeans, has been considerably greater in the on-line context; live on-line chats and teleconferences have been used	
Summary: Learner-centered (for the most part)	Students are expected to “manage” their own learning; while the outline of the course and most course materials are provided, it is up to them to get assignments in on time, keep up to date with on-line discussion boards, and generally attend to their course work	Students who are not self-starters or who have trouble motivating themselves are not well suited to this style of learning; on the other hand, the style in which this course is organized is quite similar to the situation a student will confront in his or her legal work (and thus provides a good “training” ground for future endeavors)

4. COMPARING ON-SITE VS. ON-LINE TEACHING

There are considerable differences between teaching on-site versus on-line, and the differences could be considered on many different levels. However, for the purposes of this paper I will compare the two approaches based on four broad themes that have been identified by the legal education community as important in teaching law students.

4.1. Importance of incorporating technical skills into the learning experience

Far too often, law students may conclude that using technology should actually make learning easier and quicker. What they are missing is that technology will ultimately make them better students and lawyers (or business people, policy makers, etc.) if it is used properly. The course requirements in a classroom setting may not fully illustrate to students just how effectively technology can be used to improve performance. On the other hand, in the on-line setting students are using technology (e.g., e-mail, searching for sources and materials, writing and analyzing, etc.) in a way that actually helps develop “practice skills” that will be to their benefit not only in law school but later in their professional lives. To a large extent, developing these techno/social skills provides students an opportunity to learn about leveraging the real power of technology as opposed to simply seeing technology as a diversion from “real” work (or study). As the practice of law becomes globalized to an even greater extent – and consequently more of the practice involves leveraging technology to serve clients and their interests on an international basis – these skills will become crucial for successful practitioners.

4.2. Active learning vs. passive learning

Active learning is the hallmark of on-line education while passive learning is more generally associated with classroom education. That is not to suggest that no active learning ever takes places in the classroom or that no passive learning takes places on-line, but for the most part the on-line and classroom experiences demand different learning approaches.

Historically, legal education has tended to emphasize passive learning since that is the approach that most easily lent itself to an instructor-led experience. The instructor lectured

and posed questions to students, but for the most part the experience for students was to listen and take notes. On the other hand, in the on-line model students are responsible for the learning outcome. While structure and learning objectives are established for students, it is largely up to each student to determine what they will learn and how they will approach the learning process. And whether they like it or not, this is probably the business environment that each of them will inhabit most of their professional lives. In summary, while in some on-site teaching it may be difficult to tell who is doing what and there may even be subtle resistance to active learning, the on-line environment allows no one to “fly beneath the radar.”

4.3. On-going student assessment

Student assessment in traditional on-site law school courses is much the same as it was 100 years ago. Assessments tend to be based on one-time final exams with little emphasis on feedback and relatively few opportunities to encourage students to improve their learning processes through advice based on their performance.

On the other hand, on-line course delivery allows for an on-going and comprehensive process for considering a student’s “complete body of work.” Because the course modules – and associated writing assignments⁶⁵ – are organized in a cumulative fashions (i.e., each builds on the former), I know exactly who has read what and how they have incorporated that material into their written submissions. As such, there is no guessing on my part regarding who is keeping up with the reading materials and video and audio assignments and who is not. Moreover, a series of writing assignments allows students to learn in a step-by-step basis. My experience has been that many students improve their performances during the course and that by the end they are considerably better organizers, researchers, and writers than they were at the outset.

4.4. Learning anytime, anywhere

For nearly the entire history of legal education, students met at a certain time in a certain place. This system benefited those with flexible schedules and a willingness to always be where the courses were taught. Because of the necessary socialization that comes as part of legal education, there really weren’t many alternatives. In addition, students were largely confined to courses that were taught by their school even though they might be interested in a topic that was taught at a school across a state or across the nation.

However, the ability to learn anytime from anywhere is becoming ubiquitous as distance learning becomes more widely used and accepted.⁶⁶ Moreover, administrators at law schools are pointing to the benefits associated with using distance learning to reach “out to law students in more remote locations.”⁶⁷ A well-designed and rigorous on-line course can allow students the flexibility to take a course largely at their convenience. In addition, such a

⁶⁵ Researchers have concluded that short writing assignments help in the clarification of students’ thoughts. Paul L. Caron, Rafael Gely, “Taking Back the Law School Classroom: Using Technology to Foster Active Student Learning,” 54 JOURNAL OF LEGAL EDUCATION 551, 553 (2004).

⁶⁶ Linda Anderson, “Up close and very personal,” FINANCIAL TIMES, March 19, 2007.

⁶⁷ Jones, *supra* note 58.

delivery system allows students to take courses that might not be offered at their school.⁶⁸ Finally, the on-line delivery of a course can be an excellent way for an attorney (or other interested party) who is not located close to a law school to continue the life-long learning that will be crucial to all professionals in the 21st century.

5. LESSONS LEARNED

Based on my experiences there are a number of lessons learned that may be useful when thinking about or offering a course in an on-line setting. While these lessons are more anecdotal than scientific in nature and have been learned in the context of legal education, many of them may be applicable in other areas of professional study and education.

5.1. Administrative support

Because of the unique nature of on-line courses, it is critical to have the support of the academic dean from day one.⁶⁹ This necessarily means keeping the academic dean informed about the status of the course, proposed changes, and any unusual matters⁷⁰ that arise in the context of the course. This support can be extremely useful in instances where students (or others) raise questions about the course, its organizational scheme, and its educational efficacy.

5.2. Faculty support

It is important to prepare and present to the faculty a proposal for how the on-line course will be organized and taught and how student performance will be evaluated. In the case of the EU Law & Policy course at DU, a proposal submitted to the faculty was considered and approved in the fall of 2003.⁷¹ This approval provided the course with considerably more credibility for students as well as the faculty. In addition, by going through the course approval process, I was required to establish that the on-line course was as rigorous and time intensive as an on-site course.

5.3. Establish clear course objectives⁷²

Once faculty approval has been granted, the instructor needs to establish clear course objectives and, in so doing, consider what types of materials are appropriate for the course and how students will be evaluated.

⁶⁸ Over the course of the last three summers, about 40 “non-DU” students from six regional law schools have completed the course.

⁶⁹ I have been fortunate to have the support of a series of academic deans including Profs. Jay Robert Brown, Roberto Corrada, John Reese and, most recently, Penelope Bryan.

⁷⁰ For example, several years ago a student claimed to the academic dean that despite the fact the course syllabus specifically set out the policy for late submissions the student should not be held accountable for a long line of tardy submissions. The academic dean heard the student’s complaint, but responded that the syllabus was crystal clear on the matter of late submission and consequently rejected the student’s request to set aside that policy.

⁷¹ In the spring of 2006, the DU faculty approved a second EU-related on-line course entitled “EU Environmental Law & Policy.” This course has been offered twice – once as an “experimental” course in spring 2005 and, subsequent to faculty approval, in spring 2007.

⁷² Fentiman, *supra* note 57, 54.

5.4. Organize materials and calendar ahead of time

The luxury that an instructor may have in an on-site class to amend and change the course coverage on an on-going basis does not exist in an on-line course. Instead, course coverage, materials, and the calendar must be put in place well ahead of when the course is actually offered. While making minor adjustments will always be necessary in some instances, making wholesale changes will confuse students and likely lead to a poor educational outcome.

5.5. Preparation of syllabus

Along with organizing materials and the calendar ahead of time, the instructor also needs to prepare a complete and explanatory syllabus.⁷³ My experience has been that a two-part syllabus is best, with the first part covering administrative matters (e.g., how grades will be determined, what is expected of students, etc.) and the second part covering the actual substance of the course (e.g., reading, research, and writing assignments).

5.6. Establish relationship with technology department

To a large degree, instructors will organize and manage the overall course. But in so doing, careful attention needs to be paid to working with the technology department to make sure that the technical pieces are in place before the course begins.⁷⁴ There is also the need, in some instances, to make technology-related “work arounds” to address problems that are not foreseen ahead of time but need to be dealt with during the course.⁷⁵

5.7. Proactively engage students

The instructor must undertake a proactive approach to teaching the course.⁷⁶ This includes starting a dialogue with all the students before the course begins and sharing information

⁷³ The need for a detailed thorough syllabus is particularly important in the on-line setting. In this regard, it has been observed that, “It’s typical for first-time on-line instructors to include too little detail in their syllabi. One instructor we know changed nothing in his regular on-the-ground course syllabus except to add the words ‘This course is delivered completely on-line.’...As a result of this lack of clarity, the first week’s discussion forum was dominated entirely by questions about where, when, and how to do the assignments, and the main topics for that week were nearly forgotten in the confusion.” Susan Ko and Steve Rossen, *TEACHING ONLINE: A PRACTICAL GUIDE* (2001), 65-66.

⁷⁴ In my case, the technical team has included the manager of educational technology, Jessica Hogan, and media specialist Wayne Rust who has assisted with putting videos on the website. Prof. David Thomson has also served as an advisor on various technical issues as well as regarding student assessment and course organization matters.

⁷⁵ For example, during one of the on-line courses a problem arose related to the inability of Macintosh users to easily access videos that were produced to run on Windows Mediaplayer. A decision was made to revise the webpage to add an explanation that Macintosh users would need to download Windows Mediaplayer in order to watch the video.

⁷⁶ The “lack of scholastic intimacy of a traditional law school class” can be addressed in a number of ways including clearly setting out course goals and providing students ample personal support. See, e.g., Fentiman, *supra* note 57, at 63. As part of this, instructors need to recognize and address the matter of “transactional distance” by encouraging an “open door” (or open “e-mail” or open “phone call” policy) and providing a clearly articulated course structure. This takes time and effort on the instructor’s part, but the payoffs in terms of student enjoyment of the course and learning outcomes are typically seen in student evaluations.

about him or herself during this process. There also needs to be a concentrated effort to respond to all student e-mails in a timely and thorough manner,⁷⁷ and to engage each student – to the degree possible – in on-going conversation or correspondence indicating that the instructor is interested in each student.⁷⁸

5.8. Investing time and energy

It should be noted that teaching on-line takes significant time and effort. Considerable energy is expended at the front end in organizing the syllabus and making the first round of contacts with the students. Once the class begins, keeping up with e-mails and phone calls takes as much time as any on-site course classroom work entails. And then there is the matter of grading what can be a considerable number of papers and returning comments to the students on a timely basis.⁷⁹

5.9. Developing/identifying new and timely course materials

Developing and identifying new materials for an on-line course can be extremely helpful – both to students who use the materials as well as the person producing them. For example, in order to provide greater context to many of the topics covered in the course I've produced a series of video interviews that are made available to students via streaming video. Students have access to streaming videos of a range of European Union officials⁸⁰ and opinion leaders⁸¹ as well as other expert observers of European integration.⁸² Additionally, Judge David Edward, a member of the European Court of Justice from 1992-2004, and I collaborated on *The Judge David Edward Oral History*,⁸³ which was launched in August 2006.⁸⁴

⁷⁷ One law professor with on-line teaching experience has suggested, "With the increased use of asynchronous technologies like e-mail and discussion boards, instructors often find that they are more available to on-line students than they were to traditional on-campus ones." Powell, *supra* note 57, at 308.

⁷⁸ For instance, at the beginning of each class I send my CV to the students and ask them to reply to me with a resume or CV. I keep these in a file and then make notes as I learn more about each student. Where a student has recently given birth to a child, I make a note of the child's name and birth date. Where a student has a pet or particular friend or colleague, I make a note of that. I'm always aware of where students went to university and what they majored in so that I can refer to those items if an opportunity arises. In summary, I try as best I can to make sure that each student is aware that I am interested in knowing about them and that they should feel comfortable about contacting me. This is not always easy and it does take time. On the other hand, in many instances I have had on-line students tell me that they got to know me better than they generally know their on-site professors.

⁷⁹ Generally speaking, I aim to read, grade, and return all papers with my comments several days before the next assignment is due. In that manner, students have my comments in hand before they submit their next assignment. My experience has been that in most instances students' performance will improve over the duration of the course. There have been a few instances where students' performance has actually gotten worse, but those have been the exceptions.

⁸⁰ E.g., Dr. Maria Berger, member of the European Parliament; Tim Middleton, Esq., director of legal services at the Council of the European Union; Dr. Michael Shackleton, European Parliament official; Dr. Stephan Simon, European Commission Competition DG official.

⁸¹ E.g., Stefan Scheuer, former European Environmental Bureau EU Policy Director; Dr. Neil Summerton, former chief water advisor to the U.K. Secretary of State for Environment.

⁸² E.g., TR Reid, author of *THE UNITED STATES OF EUROPE: THE NEW SUPERPOWER AND THE END OF AMERICAN SUPREMACY*, The Penguin Press (2004); Dr. Randy Sowell, Harry S. Truman Presidential Library archivist.

⁸³ David A.O. Edward and Don C. Smith, *THE JUDGE DAVID EDWARD ORAL HISTORY*, available at http://www.law.du.edu/david_edward/ (last visited May 10, 2007).

The oral history includes more than seven hours of video taped interviews, about 150 pages of annotated transcripts of the interviews, and nearly 100 full-text articles written by Judge Edward during the course of his career. In a similar fashion, I am constantly looking for the most up-to-date and useful law (or other) journal articles that reflect the current state of debate about key EU issues. Finally, the course introduces students to daily sources of information such as the *Financial Times* and BBC radio that can be extremely helpful in keeping track of timely issues.

5.10. Employing a “cyber law” teaching assistant

The availability of a cyber TA to assist students with technical issues may be helpful to the overall success of the course.⁸⁵ This may be particularly useful in large classes or when first offering a course. However, if the course has been well planned and students have been put on notice before the course begins about what is expected in terms of technical requirements (e.g., access to a high-speed internet connection, use of Microsoft Word, etc.) many of these questions can be avoided.

6. LOOKING AHEAD: FUTURE DEVELOPMENTS IN EU LAW & POLICY ON-LINE COURSE

While clearly there are risks associated with offering a course on-line as opposed to on-site, there are also opportunities. In particular, the continued development of technology-related tools will allow on-line courses to reflect an even more compelling learning environment. On the other hand, the development and utilization of more powerful tools will allow a richer, deeper substance to the courses.

6.1. Technology-related improvements

Among the technology improvements I am currently considering are the Wimba⁸⁶ software system, developing a course “wiki,” increasing the use of podcasts (and potentially videocasts), and using Skype to video conference with individual students and groups of students.

Wimba “voice tools” allow groups of students to listen to each other over the internet. The voice tools also allow the instructor, or a speaker, to show PowerPoint files during a conversation. For example, in the upcoming summer 2007 course I will be using the voice tools to allow students to hear live – and pose questions to – the Nordic correspondent for *The Times* of London. Everyone will log onto the Wimba website at the same time. The only “extra” piece of hardware that will be required is a headset. The sessions are likely to involve about 10 students, the correspondent, and me, and last for perhaps 75 minutes. Ahead of time, I will ask students to prepare questions for our guest. This learning experience will give students the chance to talk with an expert European observer in addition to giving me an opportunity to assess how well individual students are prepared for the session. Assuming this experiment goes well, I will likely incorporate its use in a much

⁸⁴ An explanation about how the project came to fruition can be found at http://www.law.du.edu/david_edward/introductions/introduction_smith.htm (last visited May 10, 2007).

⁸⁵ See, e.g., Fentiman, *supra* note 57, at 57.

⁸⁶ See <http://www.wimba.com/> (last visited May 10, 2007).

broader series of teleconferenced-based events. At some future point it is likely that I will also use Wimba's video software to link students together with a guest speaker.

A second technology tool that I will probably use this summer will be a “wiki,” which will likely be called “Europedia.” A wiki is a website that allows groups of individuals to add, revise, and remove content. Wikipedia⁸⁷ is perhaps the best-known and most widely used wiki. The importance of this teaching concept relates to the need to promote – and give students a chance to experience – teamwork in a legal setting. Despite the fact that many observers say that collaborative experiences are often the basis for practicing law, “traditional law school classes rarely promote teamwork, much less technologically-mediated teamwork.”⁸⁸ In the context of the EU course, students will be organized into several groups and each group assigned a topic to research, analyze, and report on. Each group will collaboratively⁸⁹ write an “encyclopedia-like” entry on a particular subject (e.g., analysis of whether the EU should ask Turkey to join; has EU citizenship been substantive or merely symbolic). Part of students’ overall grade will be determined by their participation in this collaborative effort.

Another technology that bears careful consideration is podcasting.⁹⁰ A podcast is an audio file that is available on the web. In the context of the EU course, I may use podcasts as a means of distributing information about course administrative details or particular items in the news that students should be following (e.g., an important meeting of the European Council or a key vote in the European Parliament). In this regard it has been suggested, “Because of the complicated nature of the subject matter and the interactive nature of learning, one of the most useful asynchronous forms of delivery for law school classes is the downloading or streaming of audio... files.”⁹¹

Finally, a fairly new technology product that I have used on a limited basis is called Skype,⁹² which allows users to make video calls across the internet. Both parties must have a camera and microphone set up to make the software work. During my most recent on-line course, I used Skype to videoconference with several students. The ability for a student to hear and see me and vice versa was extremely effective in terms of the communication experience.

⁸⁷ See <http://www.wikipedia.org> (last visited May 10, 2007).

⁸⁸ Koo, *supra* note 12, at 16. Nearly 30 years ago, the American Bar Association encouraged law schools to promote more cooperative work among students since lawyers “...commonly work in teams or in organizations...” American Bar Association, Section of Legal Education and Admissions to the Bar, REPORT AND RECOMMENDATIONS OF THE TASK FORCE ON LAWYER COMPETENCY: THE ROLE OF THE LAW SCHOOLS (1979), 4.

⁸⁹ Research indicates that small groups of students working together promote improved “critical thinking, academic achievement, attitudes toward the course, and understanding of different viewpoints.” Gerald F. Hess, “Student Involvement in Improving Law Teaching and Learning,” 67 UNIVERSITY OF MISSOURI KANSAS CITY LAW REVIEW 343, 350 (1998). Moreover, teenagers are already involved in what is called “participatory cultures,” a media content creation process one form of which includes problem-solving by collaboration with a larger group. Henry Jenkins, Katie Clinton, Ravi Purushotma, Alice J. Robinson, Margaret Weigel, CONFRONTING THE CHALLENGES OF PARTICIPATORY CULTURE: MEDIA EDUCATION FOR THE 21ST CENTURY, The MacArthur Foundation (2006), 3, available at http://www.digitalllearning.macfound.org/atf/cf/{7E45C7E0-A3E0-4B89-AC9C-E807E1B0AE4E}/JENKINS_WHITE_PAPER.PDF (last visited May 2, 2007).

⁹⁰ McGraw-Hill reportedly has increased its digital product offerings from about 400 four years ago to 800 today. John Austin, “The next class fits in your pocket,” FORT WORTH STAR-TELEGRAM, Feb. 12, 2007.

⁹¹ Powell, *supra* note 57, at 306-307.

⁹² See <http://www.skype.com/products/skypeout/> (last visited May 10, 2007).

6.2. Content-related improvements

The availability of vast amounts of content for the course continues to rapidly grow. This is not to suggest that every piece of content should be considered to have the same weight – this is obviously not the case. However, as additional content is made available (e.g., on EU presidency websites⁹³ as well as the Council⁹⁴ and the Parliament⁹⁵) and through credible media providers (e.g., the BBC⁹⁶ in the U.K. and Germany’s Deutsche Welle⁹⁷), this content will be made a part of the assigned materials. In addition, I will continue to develop my own archive of video interviews.⁹⁸

The key is to balance the need for additional content with the realities that this is a three credit course. Thus, my approach has to take into account that the process of identifying new content must be undertaken with the full knowledge that older, and less important content, must be discarded.

7. CONCLUSION

Teaching the same subject on-site as well as on-line necessitates two different teaching approaches/methods. Both approaches have their strengths as well as shortcomings. However, it can be stated – based on my experience – that an on-line course can be as rigorous as an on-site course and that in many respects an on-line course may generate considerably improved learning outcomes for students. In addition, the fact that an on-line course can be offered to students wherever they are and whenever they are ready to learn is a major improvement from the more traditional “bricks and mortar” approach.

Clearly this means that students must be fully engaged in the learning process. It also means that instructors must reconsider their roles and act more as facilitators of learning rather than purveyors of knowledge. In other words, instructors must become “educational entrepreneurs” to a certain extent. Pursuing an entrepreneurial approach (as represented by the on-line EU law course) to teaching law is not a guaranteed success and many in academia may look at it skeptically. However, in some cases – and teaching and learning about European Union law is one example – the combination of internet delivery and the content of the course lends itself to legal education and practice in the 21st century.

In summary, “Law firms, continuing legal education providers, technology providers, and law schools all have a role to play in ensuring that attorneys are prepared for a

⁹³ See, e.g., the German presidency website, available at http://www.eu2007.de/en/Media_Service/videoarchiv/index.html (last visited May 10, 2007).

⁹⁴ See <http://ceuweb.belbone.be/index.php?lang=EN&sessionno> (last visited May 10, 2007).

⁹⁵ See http://www.europarl.europa.eu/eplive/public/default_en.htm (last visited May 10, 2007).

⁹⁶ See <http://www.bbc.co.uk/> (last visited May 10, 2007).

⁹⁷ See <http://www.dw-world.de> (last visited May 10, 2007).

⁹⁸ It is now possible, using a MacBook Pro and the Imovie software to edit and produce videos without the assistance of technical experts. I have used Imovie to edit and produce about 10 hours worth of videos in the last six months. Once the Imovie file has been created, it can be “compressed” for web streaming. The compressed file is provided to the webmaster who then loads it onto the network server where students can access it.

technologically-mediated world. To meet this challenge, these organizations must understand what to teach and how to teach it. In many ways, the opportunity demands an entrepreneurial approaches; relentless experimentation to sharpen both practice and the pedagogy of practice.”⁹⁹

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