## McGeorge Law Review

Volume 45
Issue 1 *Symposium: The State and Future of Legal Education*

Article 3

1-1-2013

# Blended Courses in Law School: The Best of Online and Face-to-Face Learning?

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## Recommended Citation

# Blended Courses in Law School: The Best of Online and Face-to-Face Learning?

Gerald F. Hess*

## I. INTRODUCTION

Education at every level, from kindergarten to graduate school, is constantly changing. Each year, educators face a fresh set of challenges and encounter a new group of students. Likewise, the methods and materials available to teachers continue to evolve as well.[1]

One way for legal educators to respond to this ever-present state of change is through course design and redesign.[2] To meet the modern challenges facing legal education and to maximize students' learning, law teachers construct new courses and update existing courses.[3] Course design and redesign help ensure that law school courses efficiently and effectively prepare students for the modern practice of law.[4]

In the second decade of the twenty-first century, a fundamental course design issue for legal educators is the appropriate modality or medium for law school courses.[5] The course could follow the traditional, face-to-face format. Students prepare for class by reading, writing, and thinking outside of class and then interact with the teacher and other students in the classroom. Or the course could be delivered online. Students read, write, and complete exercises outside of the classroom, and then interact with the teacher and students in an online environment. During the last ten years, a third course design option has emerged in higher education, including legal education—a blended course that combines the face-to-face and online formats.[6]

1. DAVID I. C. THOMSON, LAW SCHOOL 2.0: LEGAL EDUCATION FOR A DIGITAL AGE 81–90 (2009) [hereinafter LAW SCHOOL 2.0].

2. Todd E. Pettys, *The Analytic Classroom*, 60 BUFF. L. REV. 1255, 1260, 1306–12 (2012) [hereinafter Pettys].

3. *See id.*

4. *See* Catherine Dunham & Steven I. Friedland, *Portable Learning for the 21st Century Law School: Designing a New Pedagogy for the Modern Global Context*, 26 J. MARSHALL J. COMPUTER & INFO. L. 371, 379–91 (2009) [hereinafter Dunham & Friedland] (discussing the changing technological and legal environment and the need for changing teaching methods).

5. *See id.* at 372–73 (discussing the need for legal education to recognize and adapt to technological advances).

6. D. RANDY GARRISON & NORMAN D. VAUGHAN, BLENDED LEARNING IN HIGHER EDUCATION: FRAMEWORK, PRINCIPLES, AND GUIDELINES 5–7 (2008) [hereinafter GARRISON & VAUGHAN].

This Article centers on three sets of questions. First, what is a blended course? Where do blended courses fit in the spectrum of course design formats? Second, why use a blended course design in law school? What evidence suggests that blended courses are more effective than online or face-to-face courses? Third, what principles should guide the design of a blended course? What does the teaching and learning literature and empirical research show about effective blended course designs? Although the author has taught Environmental Law in a blended format several times, this Article does not focus on the details of how to teach a blended course—that topic is ripe for future scholarship.

## II. WHAT IS A BLENDED COURSE?

One end of the spectrum of course design formats is the traditional, face-to-face law school course. The other end of the spectrum is a course taught entirely online. In between are "technology-enhanced" courses, "hybrid" courses, "flipped" courses, and "blended" courses.[7] Each of these course formats is described below, along with an analysis of the American Bar Association accreditation standards that influence the choice of course design format in law school. This Section ends with examples of blended courses in law school.

The predominate course format in legal education for more than a century has been the traditional, face-to-face course.[8] At its most basic level, in the face-to-face format, students prepare for class by reading assigned texts or completing other assignments, then attend class where the teacher leads a Socratic dialog, facilitates a discussion, or presents a lecture.[9] But the face-to-face format also works for a tremendous variety of other course goals (e.g., doctrine, theory, skills, professional values), materials (e.g., cases, statutes, problems, pictures, props, diagrams, video), and teaching methods (e.g., small group work, simulations, and exercises).[10]

The American Bar Association has built its accreditation standards around the face-to-face course model. Standard 304 mandates that classes

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7. *See infra* Part I. (discussing the various types of course formats).

8. Dunham & Friedland, *supra* note 4, at 371–74.; Pettys, *supra* note 2, at 1264–67; Abigail Cahak, Note, *Beyond Brick and Mortar: How (Cautiously) Embracing Internet Law Schools Can Help Bridge the Legal Access Gap*, 2012 U. ILL. J.L. TECH. & POL'Y 495, 499–501 (2012) [hereinafter Cahak].

9. *See* Dunham & Friedland, *supra* note 4, at 371–74; Pettys, *supra* note 2, at 1264–69; Stephen M. Johnson, *www.lawschool.edu: Legal Education in a Digital Age*, 2000 WIS. L. REV. 85, 86–88 (2000); Rogelio Lasso, *From the Paper Chase to the Digital Chase: Technology and the Challenge of Teaching to 21ˢᵗ Century Law Students*, 43 SANTA CLARA L. REV. 1, 14 (2002) [hereinafter Lasso].

10. *See generally* GERALD F. HESS ET. AL., TECHNIQUES FOR TEACHING LAW 2 (2011) [hereinafter TECHNIQUES FOR TEACHING LAW 2]; GERALD F. HESS & STEVEN I. FRIEDLAND, TECHNIQUES FOR TEACHING LAW (1999); Gerald F. Hess, *Value of Variety: An Organizing Principle to Enhance Teaching and Learning*, 3 ELON L. REV. 65 (2011) [hereinafter *Value of Variety*].

be regularly scheduled in the law school over no less than an eight-month period and that the school require regular and punctual class attendance.[11] Further, Standard 304 provides that, as a condition of graduation, students must complete 58,000 minutes of instruction time, with at least 45,000 of those minutes by attending class sessions at the law school.[12]

Over the last two decades, law schools have begun to offer all-online courses and programs. For example, Patrick Wiseman began teaching an online Law and the Internet course at Georgia State University in 1995,[13] Concord Law School started its all-online J.D. program in 1998,[14] and the University of Alabama School of Law has offered an online LL.M. in Taxation since the mid-2000s.[15] By 2010, many ABA-accredited law schools offered online courses and programs.[16] Synchronous distance courses, featuring video transmission and simultaneous communication between teachers and students, were offered at thirty-seven law schools; of the 189 synchronous courses, 70% were part of the J.D. degree program,

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11. AMERICAN BAR ASSOCIATION, SECTION OF LEGAL EDUCATION AND ADMISSION TO THE BAR, STANDARDS AND RULES OF PROCEDURE FOR APPROVAL OF LAW SCHOOLS, STANDARD 304(a), (d) (2012-2013).

12. *Id.* at (b).

Standard 304. COURSE OF STUDY AND ACADEMIC CALENDAR

(a) A law school shall have an academic year of not fewer than 130 days on which classes are regularly scheduled in the law school, extending into not fewer than eight calendar months. The law school shall provide adequate time for reading periods, examinations, and breaks, but such time does not count toward the 130-day academic year requirement.

(b) A law school shall require, as a condition for graduation, successful completion of a course of study in residence of not fewer than 58,000 minutes of instruction time, except as otherwise provided. At least 45,000 of these minutes shall be by attendance in regularly scheduled class sessions at the law school.

(c) A law school shall require that the course of study for the J.D. degree be completed no earlier than 24 months and no later than 84 months after a student has commenced law study at the law school or a law school from which the school has accepted transfer credit.

(d) A law school shall require regular and punctual class attendance.

*Id.* at (a)–(d).

13. Patrick Wiseman, *Lessons Virtually Learned*, 9 THE L. TEACHER 11 (Spring 2002).

14. Robert E. Oliphant, *Will Internet Driven Concord University Law School Revolutionize Traditional Law School Teaching*, 27 WM. MITCHELL L. REV. 841, 847 (2000) [hereinafter Oliphant]; Cahak, *supra* note 8, at 497, 502. Concord offers three degree programs: a Juris Doctor, an Executive Juris Doctor, and a Master of Laws. Concord is one of five distance-learning law schools recognized by the Committee of Bar Examiners of the State of California. *Id*. at 501–02.

15. *See* Daniel C. Powell, *Five Recommendations to Law Schools Offering Legal Instruction Over the Internet*, 11 J. TECH. L. & POL'Y 285, (2006) [hereinafter Powell]. The University of Alabama School of Law currently offers online LL.M. degrees in Taxation and in Business Transactions. *Graduate Degree Programs,* UNIV. OF ALABAMA (last visited July 11, 2013), http://www.law.ua.edu/llmdegrees/ (on file with the *McGeorge Law Review*).

16. AMERICAN BAR ASSOCIATION, SECTION OF LEGAL EDUCATION AND ADMISSIONS TO THE BAR, A SURVEY OF LAW SCHOOL CURRICULA: 2002–2010, 93–97 (Catherine L. Carpenter, ed. 2012) [hereinafter ABA CURRICULUM SURVEY].

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27% were in advanced degree programs, and 3% were in both programs.[17] Asynchronous online courses, featuring recorded content and non-synchronous interaction, were offered at forty law schools; of the one hundred asynchronous courses, 50% were part of the J.D. degree program, 31% were in post-J.D. programs, and 19% were in both programs.[18] And nine schools offered fourteen advanced degree or non-J.D. degree programs primarily online.[19] The online format in these courses supports a wide variety of teaching methods, including Socratic dialog via video conferencing or synchronous chat rooms, lecture via video or podcast, discussion via video conferencing, synchronous chat rooms, or asynchronous discussion boards, and writing exercises and quizzes via the course webpage.[20]

ABA accreditation standards prohibit all-online J.D. programs, limit online courses, but allow all-online L.L.M. programs.[21] Standard 306 governs distance education, which it defines as "an educational process characterized by the separation, in time or place, between instructor or student," including courses offered principally via the Internet or audio or computer conferencing.[22] Standard 306 limits online courses for J.D. programs in three ways: (1) no more than twelve credit hours of online courses can count toward the J.D degree;[23] (2) no more than four credit hours of online courses per term can count toward the J.D degree;[24] and (3) no students can enroll in online courses before completing "28 credit hours toward the J.D degree,"[25] thus prohibiting online courses in the first-year curriculum. In contrast, the ABA generally allows all-online graduate law programs.[26] ABA accreditation standards do not apply to graduate law

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17. *Id*. at 94–95. "Synchronous distance learning refers to courses or programs where the instructor and students have class at the same time but not in the same place." Powell, *supra* note 15, at 296.

18. ABA CURRICULUM SURVEY, *supra* note 16, at 96–97. "[A]synchronous distance learning may occur between the instructor and students in both a different place and time." Powell, *supra* note 15, at 296.

19. ABA CURRICULUM SURVEY, *supra* note 16, at 97.

20. *See* Powell, *supra* note 15, at 296–309; Oliphant, *supra* note 14, at 852–62; Cahak, *supra* note 8, at 502–05.

21. *See* AMERICAN BAR ASSOCIATION, SECTION OF LEGAL EDUCATION AND ADMISSION TO THE BAR, STANDARDS AND RULES OF PROCEDURE FOR APPROVAL OF LAW SCHOOLS, STANDARD 306 (2012-2013) (establishing the limits for distance learning hours contributable toward a J.D.).

22. *Id.* at 306(b).

23. *Id*. at 306(d).

24. *Id.*

25. *Id*. at 306(e).

26. *See Council Statement—LL.M and Other Post-J.D. Degrees and Qualification for Admission to Practice*, AM. BAR ASS'N, COUNCIL OF THE SECTION OF LEGAL EDUC. AND ADMISSIONS TO THE BAR 145 (last visited Mar.ch 22, 2013), *available at* http://www.americanbar.org/content/dam/aba/ publications/misc/legal_ education/Standards/2012_2013_council_statements.authcheckdam.pdf (on file with the *McGeorge Law Review*).

programs.[27] Instead, law schools must seek ABA acquiescence for a graduate program, which the ABA will grant if the graduate program has "no adverse impact on the law school's ability to comply with the" ABA accreditation standards for J.D. programs.[28]

A "technology-enhanced" course supplements the traditional, face-to-face format with instructional technology in and out of the classroom, but does not replace face-to-face class sessions.[29] Instructional technology has become a common part of law school courses.[30] Instructional technology in the classroom includes students' use of laptops, teachers' use of presentation software, student response systems ("clickers"), flowchart software, audio, and video recordings.[31] The most common use of technology outside of the classroom is the course website, which can include the distribution of course materials (syllabus, readings, podcasts, assignments, links to websites), discussion boards (for asynchronous threaded discussions), chat rooms (for synchronous discussion), online quizzes, assignment drop boxes, grade books, etc.[32] Technology outside of the classroom can also include video and audio recordings of face-to-face class sessions, video and audio lectures, Computer Assisted Legal Instruction (CALI) lessons,[33] and wikis for collaborative writing exercises.[34]

The term "hybrid" course has many meanings.[35] Hybrid can mean subject-matter hybrids, such as courses combining contracts with torts, legal research and writing with a substantive course, and law with another discipline (e.g., economics, sociology).[36] Other hybrids combine doctrinal courses with experiential learning, such as a doctrinal course with a clinical component[37] or a service-learning component.[38] A third type of hybrid

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27. *Id.*

28. *Id.*

29. JAY CAULFIELD, HOW TO DESIGN AND TEACH A HYBRID COURSE: ACHIEVING STUDENT-CENTERED LEARNING THROUGH BLENDED CLASSROOM, ONLINE, AND EXPERIMENTAL ACTIVITIES 3 (2011) [hereinafter CAULFIELD].

30. Paul L. Caron & Rafael Gely, *Taking Back the Law School Classroom: Using Technology to Foster Active Student Learning*, 54 J. LEGAL EDUC. 551, 555–56 (2004) [hereinafter Caron & Gely]; *see generally* TECHNIQUES FOR TEACHING LAW 2, *supra* note 10 (detailing in chapter three the use of many forms of instructional technology in law school courses).

31. *See* LAW SCHOOL 2.0, *supra* note 1, at 76–85; Caron & Gely, *supra* note 30, at 558–68 (advocating the use of student response systems because they are consistent with seven principles of good practice in legal education); Lasso, *supra* note 9, at 44–45.

32. Lasso, *supra* note 9, at 30–35; Larry Cunningham, *Using TWEN to Reach Evening Students*, *in* TECHNIQUES FOR TEACHING LAW 2, *supra* note 3, at 62–65.

33. CALI, http://www.cali.org/lesson (last visited Oct. 26, 2013) (on file with the *McGeorge Law Review*).

34. *See* Lasso, *supra* note 9, at 45–47; LAW SCHOOL 2.0., *supra* note 1, at 83–85, 97–100.

35. *See infra* notes 36–40 and accompanying text.

36. Pettys, *supra* note 2, at 1314–15.

37. *See e.g.,* David Luban and Michael Milleman, *Good Judgment: Ethics Teaching in Dark*

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combines course formats, such as a course taught in a face-to-face format and a distance format through video at the same time,[39] or an online course including both synchronous and asynchronous aspects.[40] Finally, some authors use "hybrid" courses to mean what this Article calls "blended" courses.[41]

A "flipped" course format is a particular type of technology-enhanced, hybrid course. One traditional course format, common in higher education, has students read material before class and then the teacher lectures on the content in class. The "flipped" format conveys the content to students online via short video lectures.[42] The subsequent class session focuses on application, problem solving, analysis, and other active methods to deepen student learning.[43] The "flipped" format does not replace face-to-face classes with online instruction; instead, it is intended to free up class time for activities other than lecture.[44]

Like technology-enhanced and "flipped" formats, a "blended" course includes both face-to-face classes and instructional technology.[45] The difference is that in technology-enhanced and "flipped" formats, online instruction is added to face-to-face class time; in a blended format, online instruction replaces some class time.[46] Effective blended course design requires the teacher to integrate online and classroom instruction thoughtfully, seeking to maximize the advantages of both online and face-to-face learning.[47]

ABA accreditation standards indirectly address blended courses. As noted above, Standard 306 limits distance courses in J.D. programs.[48] An

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*Times*, 9 GEO. J. LEGAL ETHICS 31, 31 (1995) (describing a Clinic/Professional Responsibility hybrid).

38. *See e.g.,* April Land, *Lawyering Beyond Without Leaving Individual Clients Behind*, 18 CLINICAL L. REV. 47, 73 (2011) (explaining hybrid service learning courses at the University of New Mexico); Russell Engler, *Integrating Public Service Legal Work into Nonclinical Courses, in* TECHNIQUES FOR TEACHING LAW 2, *supra* note 10, at 169–71 (discussing service learning courses at New England School of Law).

39. *See e.g.,* Ellen S. Podgor, *Teaching a Live Synchronous Distance Learning Course: A Student-Focused Approach*, 2006 U. ILL. J.L. TECH. & POL'Y 263, 263 (2006).

40. Powell, *supra* note 15, at 296–309.

41. *See e.g.,* CAULFIELD, *supra* note 29; Joseph Rosenberg, *Confronting Clichés in Online Instruction: Using a Hybrid Model to Teach Lawyering Skills*, 12 SMU SCI. & TECH. L. REV. 19, 21 (2008) [hereinafter Rosenberg].

42. Pettys, *supra* note 2, at 1299–1303.

43. *Id.*

44. *Id.*

45. GARRISON & VAUGHAN, *supra* note 6, at 5.

46. *Id.*

47. *Id*. at 5–6; BLENDED LEARNING: ACROSS THE DISCIPLINES, ACROSS THE ACADEMY, 1 (Francine S. Glazer, ed. 2012) [hereinafter BLENDED LEARNING].

48. AMERICAN BAR ASSOCIATION, SECTION OF LEGAL EDUCATION AND ADMISSION TO THE BAR, STANDARDS AND RULES OF PROCEDURE FOR APPROVAL OF LAW SCHOOLS, STANDARD 306 (2012-2013)

ABA interpretation of standard 306[49] provides that "[c]ourses in which two-thirds or more of the course instruction consists of regular classroom instruction shall not be treated as 'distance education' . . . even though they also include substantial on-line interaction"[50] as long as the instruction complies with Standard 306(c), which requires "ample interaction with the instructor and other students" and "ample monitoring of student effort and accomplishments."[51] The effect of standard 306 and its interpretation is to put significant limits on blended courses if more than one-third of the instruction occurs online, while placing very few constraints on blended courses if one-third or less of the instruction takes place online.

The legal education literature contains two descriptions of blended course designs.[52] One describes a required, first-year course and the other deals with upper-level electives. At the City University of New York School of Law, Professor Joseph Rosenberg developed a blended format for a "first-year lawyering seminar and semester-long simulation where first-year students learn a variety of lawyering skills: fact-gathering, legal analysis, creating persuasive legal arguments, writing (and rewriting) a variety of legal documents culminating in a memorandum of law, and a mock oral argument."[53] The course format was one-third online and two-thirds face-to-face.[54] Professor Michael L. Perlin of New York Law School developed a set of upper-level, elective courses focusing on mental disability law in a blended format.[55] The courses have been taught at law schools in the United States and abroad.[56] A typical design for these courses includes two,

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49. AMERICAN BAR ASSOCIATION, SECTION OF LEGAL EDUCATION AND ADMISSION TO THE BAR, STANDARDS AND RULES OF PROCEDURE FOR APPROVAL OF LAW SCHOOLS, Interpretation 306-3 (2012–2013).

50. *Id.*

51. AMERICAN BAR ASSOCIATION, SECTION OF LEGAL EDUCATION AND ADMISSION TO THE BAR, STANDARDS AND RULES OF PROCEDURE FOR APPROVAL OF LAW SCHOOLS, STANDARD 306(c) (2012–2013).

52. *See also* Kristen B. Gerdy et al., *Expanding Our Classroom Walls: Enhancing Teaching and Learning Through Technology*, 11 LEGAL WRITING: J. LEGAL WRITING INST. 263, 275 (2005) (describing a portion of a course redesigned into a blended format) [hereinafter Gerdy, Wise & Craig]. The authors developed a blended approach to one aspect of their required, first-year Introduction to Legal Research and Writing course and Introduction to Advocacy course at the J. Reuben Clark Law School. *Id.* One goal of the course was for students to identify, plan, and implement "effective research strategies." *Id.* at 286. Traditionally, this portion of the course was taught in part through a series of lectures in the classroom. In the blended format, seven video lectures "distributed to students on CDs and posted on the course website" replaced the face-to-face classes. *Id.* at 287. Students appreciated the flexibility of being able to watch the video at their own time and pace, as well as the opportunity to replay the videos to improve their understanding. *Id.* at 288. *See* Rosenberg, *supra* note 41, at 21–28 .

53. Rosenberg, *supra* note 41, at 22.

54. *Id.* at 29–30.

55. Michael L. Perlin, *"Ain't No Goin' Back": Teaching Mental Disability Law Courses Online*, 51 N.Y.L. SCH. L. REV. 991, 992 (2007).

56. *Id.*

daylong, face-to-face classes: one near the beginning of the course and the other at the end.[57] The online portion of the course includes video lectures, weekly reading assignments with focus questions, online asynchronous threaded discussions throughout the course, and weekly synchronous chat-room discussions.[58]

## III. WHY USE A BLENDED COURSE DESIGN?

To design a blended course or to redesign a traditional course into a blended format requires significant effort.[59] Three types of sources suggest reasons why engaging in that effort is worthwhile and identify some challenges in blended course design: (1) the legal education and higher education literature; (2) interviews of students and teachers with experience in blended learning; and (3) empirical research of the positive learning outcomes in blended courses.

### A. *Legal Education and Higher Education Literature*

Most modern law students are part of the Millennial generation, born in 1982 and later.[60] For many Millennials, the Internet has always been a part of their lives.[61] They are comfortable with digital communication via Twitter, Facebook, YouTube, email, text messaging, instant messaging, etc.[62] Millennials are accustomed to a hypertext environment, with unlimited, nonlinear connections among sources of content.[63] Most college students find the Internet central to their educational experience, as it facilitates research, access to the library, and communication with teachers and other students.[64] They expect their learning to be active, hands-on, and collaborative. They also expect instructors to present information in non-linear, interactive ways in multiple formats, including text, video, and graphics.[65] Millennials' view online learning as a normal, helpful way to

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57. Michael L. Perlin, *"Ain't No Goin' Back": Teaching Mental Disability Law Courses Online*, 51 N.Y.L. SCH. L. REV. 991, 996 (2007).

58. *Id.* at 996.

59. Rosenberg, *supra* note 41, at 43.

60. LAW SCHOOL 2.0, *supra* note 1, at 26; Joan Catherine Bohl, *Generations X and Y in Law School: Practical Strategies for Teaching the "MTV/Google" Generation*, 54 LOY. L. REV. 775, 778 (2008) [hereinafter Bohl] (stating that in 2007, approximately two-thirds of law students were Millenials).

61. LAW SCHOOL 2.0, *supra* note 1, at 26; Bohl, *supra* note 60, at 779.

62. *See* LAW SCHOOL 2.0, *supra* note 1, at 28; Bohl, *supra* note 60, at 780 (describing the Millennial generation's ready access to the Internet).

63. *See* LAW SCHOOL 2.0, *supra* note 1, at 29–31; Lasso, *supra* note 9, at 7–8.

64. *Id.*; Lasso, *supra* note 9, at 23; Bohl, *supra* note 60, at 783–85.

65. Gerdy, Wise & Craig, *supra* note 52, at 265; Lasso, *supra* note 9, at 23; Bohl, *supra* note 60, at

enhance learning, not as something extraordinary.[66] And they expect technological competence in their institutions and instructors.[67]

Not only are law students changing, the modern practice of law is evolving as well. The practice of law is increasingly digital.[68] Most lawyers use computers in the office and many conduct legal research electronically.[69] The Internet has become a critical source for factual research. Lawyers' use of smart phones and other portable technology is increasing.[70] In litigation, pleadings and motions are served and filed electronically, evidence is presented digitally in the courtroom, and e-discovery has become a central part of practice.[71]

Blended courses can build on the strengths of both face-to-face and online teaching and learning. Advantages of the online portion of the course include access to course material on the course website, opportunities for collaboration in online activities, increased opportunities for students to receive feedback, and a different way for students to participate in class discussions.[72] Blended learning can also maximize the value of face-to-face time. When students use online instruction to gain understanding of content, teachers can use classroom time to address student misconceptions about a topic, build community, debate issues, engage in hands-on activities, and perform higher-level thinking (including analysis, synthesis, and evaluation).[73]

Different students thrive in the face-to-face and online formats. The former works well for students who think quickly on their feet, present themselves well orally, and integrate information quickly. Online activities emphasize reading, writing, reflecting, and critical analysis with less time constraints.[74] Therefore, blended courses can give every student a voice in the discussion. Small group and pair discussions in the face-to-face classrooms and threaded discussions online facilitate 100% participation.[75]

Francine S. Glazier, editor of *Blended Learning: Across the Disciplines, Across the Academy*,[76] identifies four types of learning furthered by an

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783–85.

66. CAULFIELD, *supra* note 29, at 126.

67. *Id*; *see also* Gerdy, Wise & Craig, *supra* note 52, at 265 ("[S]tudents will enter law school expecting, if not demanding, that professors incorporate technology into their courses.").

68. Gerdy, Wise & Craig, *supra* note 52, at 263.

69. *Id.*

70. LAW SCHOOL 2.0, *supra* note 1, at 45.

71. *See* LAW SCHOOL 2.0, *supra* note 1, at 41–53; Gerdy, Wise & Craig, *supra* note 52, at 263.

72. Rosenberg, *supra* note 41, at 33–35.

73. BLENDED LEARNING, *supra* note 47, at 7–8.

74. Rosenberg, *supra* note 41, at 44, 47; BLENDED LEARNING, *supra* note 47, at 6–7.

75. BLENDED LEARNING, *supra* note 47, at 6–7.

76. *Id.*

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effective blended course design. First, blended courses demand active learning.

> Effective blended learning courses require students to interact with each other, the content, and their own thoughts. Students need a way to not only take in information but also to process it: checking their understanding, organizing their knowledge, and making connections with what they already know. Blended learning that incorporates active learning strategies provides students with vehicles to help them do just that. [77]

Second, blended courses support cooperative and collaborative learning.

> Some faculty members use the online portion for students to work independently, learning facts and concepts, and the face-to-face time for them to work collaboratively on more demanding tasks. Other faculty members incorporate collaboration in the online portion of the course, taking advantage of its asynchronous nature to allow students to work in teams without having to find a common time to meet. [78]

Third, blended course design "helps students organize their knowledge." [79] Written assignments completed, submitted, and discussed online can help students build an organizational structure for the concepts they are learning. [80] Then face-to-face classes can help students make more connections between new material and prior knowledge. [81]

Fourth, blended courses encourage self-directed learning. [82] "Lifelong learning is an essential skill for today's graduates and one that is prized by employers." Blended learning gives students greater control over their learning and helps students cultivate skills to organize and understand new concepts. [83]

## B. Student and Faculty Interviews

Jay Caulfield, the author of *How to Design and Teach a Hybrid Course*, [84] interviewed graduate students who had taken blended courses and

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77. *Id.* at 3 (references omitted).
78. *Id.* at 3-4.
79. *Id.* at 8.
80. *Id.*
81. *Id.*
82. *Id.*
83. *Id.* at 9.
84. CAULFIELD, *supra* note 29.

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faculty with experience teaching blended courses. Both students and teachers articulated advantages and challenges of the blended course format.

### 1. Caulfield's Student Interviews

Caulfield conducted face-to-face interviews with eleven graduate students who had significant experience taking blended courses.[85] The students were enrolled in an applied social science professional master's program and had each completed several courses taught in a blended format.[86] The program's faculty each had taught at least five courses in a blended format.[87] Each course included between 50% and 66% face-to-face classes.[88]

Students reported several advantages of blended format courses.[89] Most students said the quality of their interaction with other students was higher in blended courses compared to traditional, face-to-face courses.[90] Students gave several reasons, all focused on asynchronous online discussion.[91] First, online discussions gave students equal opportunity to participate and resulted in valuable contributions from students who spoke less frequently in the classroom.[92] Second, the asynchronous format gave students time to think and reflect before posting comments.[93] Third, asynchronous online discussion "tended to stay on topic more than classroom discussions."[94]

Students also reported the quantity and quality of their interactions with their teachers in blended courses were better than in traditional courses.[95] Students believed that they were able to build more personal relationships with their teachers.[96] Students attributed this advantage to the multiple methods of interaction available in the blended format—face-to-face communication in class, frequent email exchanges, and frequent postings to the course discussion board.[97]

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85. *Id.* at 163–64.

86. *Id.* at 164.

87. *Id.*

88. *Id.* at 163–164.

89. *See id.* at 164–73 (discussing the various feedback from students concerning the hybrid courses).

90. *Id.* at 166.

91. *Id.*

92. *Id.*

93. *Id.*

94. *Id.* at 166. These findings were consistent with survey results of 241 college students reported in GARRISON & VAUGHN, *supra* note 6, at 197–98.

95. CAULFIELD, *supra* note 29, at 167–68.

96. *Id.* at 168.

97. *Id.*

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Students noted two positive characteristics of their learning in blended courses. First, "students learned to take responsibility for their own learning."[98] Second, students reflected more on assigned topics before attending class.[99] The increased reflection occurred as students did research to complete online assignments and through participation in online asynchronous discussion.[100]

Students identified challenges they faced in the blended environment. First, technical difficulties, especially with the course website, were problematic if help was not immediately available.[101] Second, written communication in online activities can lead to misunderstandings and misinterpretations—the absence of non-verbal communication in this format decreased the clarity of communication.[102] Other sources of frustration included the lack of immediate responses from students and teachers to student postings on the course website, failure of some students to meet deadlines in group work, and the lack of consistency between course websites in various courses.[103]

### 2.  Caulfield's Faculty Interviews

Caulfield interviewed fifteen faculty members with extensive experience in teaching blended courses in college.[104] The faculty members taught at universities in the United States and Canada.[105] Most taught both undergraduate and graduate students.[106] Together, these teachers taught more than four hundred blended courses in eighteen different subject areas, including art, anthropology, biology, communication, education, health care, leadership, nursing, psychology, and software design.[107] Enrollment in their classes ranged from four to five hundred.[108]

The faculty members articulated a number of advantages of the blended course format.[109] Blended courses can increase access to courses for students.[110] Many students must balance their education with family and

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98. *Id.*
99. *Id.* at 169.
100. *Id.* at 168–69.
101. *Id.* at 170.
102. *Id.*
103. *Id.* at 170–71.
104. *Id.* at 186.
105. *Id.*
106. *Id.* at 188.
107. *Id.*
108. *Id.* at 186–88.
109. *Id.* at 190–94.
110. *Id.* at 108.

professional responsibilities. The blended format allows students more flexibility in completing their schoolwork and may remove access barriers for students who live in remote areas or have significant family or professional responsibilities.[111]

Several faculty members concluded that the blended format increases student engagement.[112] The blended format facilitates participation by students who thrive in a face-to-face environment as well as students who prefer asynchronous online activities.[113] A well-designed blended course creates an active learning environment where students interact with one another and "take more responsibility for their own learning."[114]

Faculty members noted that the blended design increases the time for student reflection, especially in the asynchronous online portion of the course. Reflection helps students achieve higher level learning, essential for professional competence.[115]

Faculty interviewees found that a blended course can increase student collaboration. The online portion of the course, including online discussion boards and group activities, provides opportunities for students to learn from one-another outside of the classroom.[116]

Further, faculty members noted that blended courses can prepare graduates for the workplace.[117] The online portion of the course allows students to develop skills with instructional technology. Blended design is a current trend in workplace training,[118] including continuing legal education and judicial education.[119]

Finally, faculty members believed that the process of designing a blended course can improve the quality of teaching.[120] The blended course must be thoroughly planned in advance. The choice of face-to-face and online activities should align with the goals of the course. The detailed advanced planning should identify weak spots in the course design.[121]

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111. *Id.* at 187, 189, 191.

112. *Id.* at 190.

113. *Id.*

114. *Id.* at 187, 189–92.

115. *Id.* at 193.

116. *Id.* at 190.

117. *Id.* at 192.

118. *Id.* at 190, 192

119. *See* Barbara A. Bichelmeyer, *Best Practices in Adult Education and E-Learning: Leverage Points for Quality and Impact of CLE*, 40 VAL. U. L. REV. 509, 518-19 (2006); Diane E. Cowdrey, *Educating into the Future: Creating an Effective System of judicial Education*, 51 S. TEX. L. REV. 885, 898-900 (2009).

120. CAULFIELD, *supra* note 29, at 191.

121. *Id.* Professor Rosenberg made similar comments about his redesign of a law school course: "The process of creating the website and teaching the lawyering seminar as a hybrid course forced me to reexamine my entire approach to teaching. Reconstructing the course laid bare my teaching goals, assumptions, and methodologies." Rosenberg, *supra* note 41, at 41.

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Caulfield's faculty interviews also revealed challenges of teaching blended courses.[122] First, designing a blended course or redesigning an existing course into a blended format takes significant time and effort. The blended design requires the teacher to thoroughly plan the course in advance, including both face-to-face and online activities.[123] Teaching the course is time-intensive as well because most successful blended courses include well-developed active learning exercises and feedback on student performance throughout the course.[124] Second, although blended course teachers do not need to be instructional technology experts, they should be familiar enough with the technology to effectively use the course management system and provide occasional assistance to students struggling with the technology.[125] Finally, because students, colleagues, and administrators may be unfamiliar with blended courses, the teacher may need to convince them that the blended design is worth the effort.[126]

### C. Empirical Research on Student Learning Outcomes in Blended Courses

In 2005 and 2010, educational researchers conducted meta-analysis of empirical studies of face-to-face, online, and blended course formats.[127] In general, the purpose of a meta-analysis is to "summarize and integrate the results of numerous individual research studies," "analyze differences in results of those studies," and "increase precision in estimating the effects" being studied.[128] The 2005 and 2010 meta-analyses both found significant student learning benefits of blended courses.[129]

#### 1. 2005 Meta-Analysis

The general purpose of the 2005 Meta-Analysis was to examine "how different features of distance education affect learning outcomes so as to

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122. *See* CAULFIELD, *supra* note 29, at 194–98.

123. *Id.* at 194.

124. *Id.* at 194–95.

125. *See id.* at 196.

126. *Id.* at 197–98.

127. YONG ZHAO ET. AL., WHAT MAKES THE DIFFERENCE: A PRACTICAL ANALYSIS OF RESEARCH ON THE EFFECTIVENESS OF DISTANCE EDUCATION (2005) [hereinafter 2005 META-ANALYSIS]; MEANS ET. AL., U.S DEP'T OF EDUC., EVALUATION OF EVIDENCE–BASED PRACTICES IN ON-LINE LEARNING: A META-ANALYSIS AND REVIEW OF ON-LINE LEARNING STUDIES (2010) [hereinafter 2010 META-ANALYSIS].

128. BURKE JOHNSON & LARRY CHRISTENSEN, EDUCATIONAL RESEARCH: QUANTITATIVE, QUALITATIVE, AND MIXED APPROACHES, 79–81 (4th. ed. 2012) [hereinafter EDUCATIONAL RESEARCH]; Esteban Walker et. al, *Meta Analysis: Its Strengths and Limitations*, 75 CLEVELAND CLINIC J. OF MEDICINE 431, 432 (2008), *available at* http://www.ccjm.org/content/75/6/431.full.pdf+html (on file with the *McGeorge Law Review*).

129. 2005 META-ANALYSIS, *supra* note 127, at 42.

inform future practice and research."[130] A literature review identified 8,840 articles that addressed distance, online, or virtual education.[131] The criteria for selecting an article for the Meta-Analysis included that the article contained (1) a comparison of distance education and face-to-face education, (2) empirical data, and (3) statistical information (means, standard deviations, sample sizes) for both the distance and face-to-face groups.[132] The fifty-one journal articles meeting this criteria were included in the meta-analysis.[133]

The articles included in the Meta-Analysis addressed education at various levels, from high school to graduate school.[134] Approximately 80% of the studies arose in higher education—fairly evenly split between undergraduate and graduate courses.[135] The most common subject matters for the courses included in the study were business, science, social science, computer science, and medical science.[136]

The broadest findings of the 2005 Meta-Analysis concern the relative effectiveness of distance and face-to-face instruction.[137] About "two thirds of the studies show that distance education produced better student outcomes than face-to-face education while the [other] one third showed just the opposite."[138] Although the overall analysis shows online education to be slightly more effective than face-to-face education, the difference is not statistically significant.[139]

The authors of the 2005 Meta-Analysis caution educators from over-emphasizing this overall finding.

> This finding is consistent with previous research and supports the popular impression of distance education in that distance education as a form of education is as good (or as bad) as face-to-face education. It however highlights an important and often neglected fact about the distance education literature: distance education programs, just like traditional education programs, vary a great deal

130. 2005 META-ANALYSIS, *supra* note 127, at 9.

131. *Id.* at 10.

132. *Id.* at 10–11. Additional criteria included that the article had to be published in a journal, contain complete reference information (author, date, source), and include an evaluation of distance education. *Id.*

133. *Id.* at 11–12.

134. *Id.* at 36.

135. *See id.* The fifty-one studies included ninety-seven comparisons between online and face-to-face education. Of the ninety-seven comparisons, seventy-nine arose in the higher education setting—associate degree programs (6), undergraduate programs (36), graduate programs (35). *Id.*

136. *See id.* at 63–78.

137. *Id.* at 28.

138. *Id.*

139. *Id.*

in its outcomes. Thus it is advisable not to automatically apply the 'no-significant-difference' label to all distance education programs just because the positive findings of some studies cancel out the negative findings of other studies.[140]

The 2005 study included detailed analysis of the features that tend to make distance courses more effective.[141] Four of those factors are discussed below.

First, distance education appears to be improving over time. "Studies published before year 1998 did not seem to find significant difference between distance education and face-to-face education, while studies published in and after 1998 found distance education to be significantly more effective than face-to-face education."[142] The authors attribute this difference to the development of the Internet and web-based technologies, which affect how material is presented and how teachers and students interact online.[143]

Second, the measure of course-effectiveness matters in distinguishing distance and face-to-face formats. Distance courses had significantly more positive outcomes than face-to-face courses if the measure of effectiveness was student grades on quizzes and in the course, student satisfaction, or student participation.[144] When the outcome measure was student evaluation of their own learning, face-to-face courses fared slightly better than distance courses, though that finding was not statistically significant.[145]

Third, distance courses were more effective at the undergraduate level than the graduate level.[146] The authors offered the following hypothesis to explain this finding:

> Relatively speaking, college level courses could have more of a focus on knowledge and skill acquisition, while graduate level courses focus more on idea or research interest development. It is possible that knowledge and skills can be taught more effectively in distance education, but the development of an idea or research interest may need more discussion and interactions with the instructor and other students. In other words, the advantage of distance education in delivering learning content in college level

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140. *Id.* at 39.
141. *Id.* at 39–44.
142. *Id.* at 31.
143. *Id.* at 43–44.
144. *Id.* at 32.
145. *Id.*
146. *Id.* at 35–36.

courses may not work as well for graduate level courses where more complex ideas are explored.[147]

Fourth, blended course designs led to better student outcomes than face-to-face designs. Courses that featured both significant online and face-to-face components were most effective.[148]

### 2. *2010 Meta-Analysis*

The scope of the 2010 study was a bit narrower than the 2005 Meta-Analysis. While the 2005 study addressed distance learning in any form,[149] the 2010 study focused specifically on online education.[150] The 2010 study defined online learning as "learning that takes place partially or entirely over the Internet. This definition excludes purely print-based correspondence education, broadcast television or radio, videoconferencing, videocassettes, and stand-alone educational software programs that do not have a significant Internet-based instructional component."[151]

The 2010 study addressed four research questions:

"1. How does the effectiveness of online learning compare with that of face-to-face instruction?

2. Does supplementing face-to-face instruction with online instruction enhance learning?

3. What practices are associated with more effective online learning?

4. What conditions influence the effectiveness of online learning?"[152]

The process of selecting studies for inclusion in the 2010 Meta-Analysis began with a review of published articles from 1996–2008 that addressed online learning, which yielded 1,132 articles.[153] To be included in the Meta-Analysis, the studies had to meet six criteria.[154] First, the study had to involve online learning in which at least 25% of the instruction took place

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147. *Id.* at 43–44.

148. *Id.* at 37–38, 42

149. *Id.* at 83, note i.

150. 2010 META-ANALYSIS, *supra* note 127, at xi.

*151. Id.* at 9.

152. *Id.* at 2.

153. *Id.* at xii.

154. *Id.* at 11–12

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over the Internet.[155] Second, comparisons of learning outcomes had to fit one of two categories: (1) online learning compared with face-to-face learning or (2) blended learning compared with face-to-face learning.[156] Third, the study "must describe an intervention study that had been completed."[157] Fourth, the study must "[r]eport a learning outcome that was measured for both the treatment and control groups."[158] The measure of learning outcomes had to be objective and direct, such as student performance on exams, quizzes, and assignments. Studies were excluded if the measure was teacher or student self-reports of learning or instructor or student satisfaction.[159] Fifth, the study had to use a controlled design, either experimental or quasi-experimental.[160] Sixth, the study must report sufficient data for it to be useful in a meta-analysis.

Forty-five studies satisfied the criteria and were included in the 2010 Meta-Analysis.[161] Those studies included fifty comparisons of instructional effectiveness: twenty-seven compared online to face-to-face instruction and twenty-three compared blended to face-to-face instruction.[162] Of the forty-five studies, most involved undergraduate education, graduate education, or professional training; only five studies involved K–12 education.[163] The most common subject matter in the forty-five studies was medical and health care; other subjects included computer science, teacher education, social science, math, language, and business.[164]

The overall finding of the 2010 Meta-Analysis was that courses with online learning (whether taught completely online or blended) on average produce stronger student learning outcomes than classes with solely face-to-face instruction.[165] The general finding that online instruction was significantly more effective than face-to-face instruction held true regardless of the type of learner (undergraduate, graduate, professional) or the subject matter.[166] Likewise, the general finding held regardless of the type of

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155  *Id.* at 11–12.

156  *Id.* at 12.

157  *Id.*

158  *Id.*

159  *Id.*

160. An experimental design involves random assignment of subjects to two or more groups. A quasi-experimental design involves two groups but not random assignment. EDUCATIONAL RESEARCH, *supra* note 128, at 301, 319.

161. 2010 META-ANALYSIS, *supra* note 127, at 14.

162. *Id.* at 13–14.

163. *Id.* at 17, 32.

164. *Id.* at 17.

165. *Id.* at 18.

166. *Id.* at xv, 30.

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learning involved—declarative knowledge, the ability to perform a skill, or strategic knowledge.[167]

When broken down further, the Meta-Analysis showed that there was no significant difference in learning outcomes between all-online instruction and all-face-to-face instruction.[168] However, blended instruction "had stronger learning outcomes than did face-to-face instruction alone."[169]

### 3. Implications of Meta-Analyses for Legal Education

The 2005 and 2010 Meta-Analyses have positive implications for blended course design in legal education. Most importantly, both meta-analyses found that blended courses had significantly better student learning outcomes than face-to-face courses. Further, the core finding in the 2010 Meta-Analysis, that online instruction (whether purely online or blended) resulted in significantly better learning outcomes than face-to-face instruction, held true regardless of the level of education (undergraduate, graduate, professional), subject matter, or type of learning—this bodes well for the potential effectiveness of blended courses in legal education. Moreover, the positive findings in the meta-analyses concerning blended courses are consistent with the results of interviews of students and faculty

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167. *Id.* at 35. The 2010 Meta-Analysis does not define these types of learning. *See* MICHAEL HUNTER SCHWARTZ, SOPHIE SPARROW & GERALD HESS, TEACHING LAW BY DESIGN: ENGAGING STUDENTS FOR THE SYLLABUS TO THE FINAL EXAM 41 (2009) [hereinafter TEACHING LAW BY DESIGN] for a description of seven types of learning applied to legal education. "Declarative knowledge learning" means students can accurately state a legal rule. *Id.* "Procedure learning" means that students can perform all of the steps involved in a lawyering skill. *Id.* What the 2010 Meta-Analysis calls "strategic learning" is likely "problem solving learning," which means that students can identify issues, choose applicable law and policy, and make relevant arguments. *Id.*

168. 2010 META-ANALYSIS, *supra* note 127, at 18.

169. *Id.* at 19. The authors of the 2010 Meta-Analysis also analyzed ten studies that directly compare blended learning with all on-line instruction. *Id.* at 48. "Seven of those studies found no significant difference in learning outcomes, two studies found that the on-line format resulted in better learning outcomes, and one study found a significant advantage for the blended format." *Id.* at 38.

These studies seem inconsistent with the finding from the Meta-Analysis that while purely on-line instruction did not lead to significantly better learning than face-to-face instruction, blended instruction did lead to significantly better learning outcomes than face-to-face instruction. The authors of the 2010 Meta-Analysis offer this explanation:

> [T]he results of studies using purely online and blended conditions cast some doubt on the meta-analysis finding of larger effect sizes for studies blending online and face-to-face elements. The inconsistency in the implications of the two sets of studies underscores the importance of recognizing the confounding of practice variables in most studies. Studies using blended learning also tend to involve more learning time, additional instructional resources, and course elements that encourage interactions among learners. This confounding leaves open the possibility that one or all of these other practice variables, rather than the blending of online and offline media per se, accounts for the particularly positive outcomes for blended learning in the studies included in the meta-analysis.

*Id.* at 52.

with extensive experience in blended education and the higher education and legal education literature.

The 2005 and 2010 meta-analyses have two limitations in the context of legal education. First, although many of the studies in the meta-analyses involved graduate and professional education, none of the studies involved legal education. Second, while the interviews of students and faculty and the literature offer many rationales supporting the efficacy of blended course design, the meta-analyses tell us very little about *why* blended courses led to better student learning. These limitations should not deter legal educators from exploring blended course design, but they should caution law professors to be thoughtful and systematic when designing a blended course.

## IV. WHAT PRINCIPLES GUIDE DESIGN OF BLENDED COURSES?

In many ways, designing a blended course is no different than designing any other course for law school. Fundamental principles about learning, teaching, and instructional design should guide the development of any course. In addition, a more specific set of principles applies to the design of a blended course.

### A. Foundational Learning, Teaching, and Instructional Design Principles

Instructional design is the systematic planning of teaching and learning.[170] "[C]omponents of instructional design include learning objectives, teaching and learning methods, instructional materials, feedback, and assessment."[171] A core concept of instructional design is congruence. The principle of congruence concerns the connections between each component of instructional design. "There should be congruence between learning objectives, teaching and learning methods, instructional materials," feedback, and assessment."[172] Consequently, learning objectives play a central role in course design. To systematically design a course, teachers must first clearly articulate what students should learn. The learning

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170. *Value of Variety, supra* note 10, at 70. For comprehensive books on instructional design see WALTER DICK ET AL., THE SYSTEMATIC DESIGN OF INSTRUCTION (7th ed. 2011) and PATRICIA L. SMITH & TILLMAN J. RAGAN, INSTRUCTIONAL DESIGN (3d. ed. 2005). For a comprehensive description of instructional design principles and their application to legal education, see generally Michael Hunter Schwartz, *Teaching Law by Design: How Learning Theory and Instructional Design Can Inform and Reform Law Teaching*, 38 SAN DIEGO L. REV. 347 (2001) [hereinafter Schwartz].

171. *Value of Variety, supra* note 10, at 70–71. The instructional design process involves additional components not discussed in this article, including assessment of the learning context and the learners, analysis of the type of learning involved, and assessment and revision of the instruction. *See* Schwartz, *supra* note 170, at 383–403, 437–38.

172. *Value of Variety, supra* note 10, at 71.

objectives then should drive the subsequent decisions on teaching and learning methods, materials, feedback, and assessment.[173]

For example, assume that a course goal is that students will be able to articulate and apply the principles and policies governing the scope of discovery in a civil lawsuit. Appropriate methods would include lecture on the basic principles and policies governing the scope of discovery, analysis of applicable provisions of the Federal Rules of Civil Procedure and relevant cases, application of the principles and policies to hypotheticals and problems, and evaluation of discovery requests in simulated or real litigation documents for compliance with the scope of discovery principles and policies. Those teaching and learning activities could take place online or in the classroom. Corresponding materials could include readings (rules and cases), lecture support (slides, video-lectures, podcasts), problems and hypotheticals (slides or handouts), and simulated or actual discovery documents. Feedback could include oral feedback to student responses in class and written feedback on students' analyses of problems and discovery documents online. Finally, the midterm or final exam could include items testing students' understanding and application of the scope of discovery.

The teaching and learning literature has numerous implications for course design in legal education.[174] The following eight principles are derived from five types of learning theories: behaviorism,[175] cognitivism,[176]

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173. *Id.*

174. *See generally* TEACHING LAW BY DESIGN, *supra* note 167, at 3–12 (describing cognitive learning theory, constructivist learning theory, adult learning theory, and self-regulated learning theory); Schwartz, *supra* note 170, at 365–83 (2001) (describing behaviorism, cognitivism, and constructivism and their implications for legal education); *Value of Variety, supra* note 10, at 66–70 (discussing behaviorism, cognitivism, constructivism, and multiple intelligences and their implications for legal education).

175. "Behaviorism was the predominant learning theory in the first half of the twentieth century. According to behaviorists, learning takes place when the student gives the appropriate response to an environmental stimulus. The association between stimulus and response can be strengthened through feedback and appropriate reinforcement. Behaviorists pioneered the notion of programmed instruction— that learning could be facilitated by written material, electronic media, or a machine, rather than a live teacher." *Value of Variety, supra* note 10, at 66–67 (footnotes omitted).

176. Cognitive learning theory focuses on the processes in the human brain. Human senses receive vast amounts of information from the environment, which is stored very briefly in our sensory register. A few bits of information receive enough attention to enter the brain's working memory.

> The working memory can retain five to nine bits of information for up to 20 seconds. For cognitivists, the critical step in learning is the transfer of information from the working to long-term memory. Four characteristics of long-term memory are keys to cognitive learning theory. First, not all information from the working memory is transferred to the long-term memory. To be transferred into long-term memory, information must be meaningful and integrated with prior knowledge. Second, the more deeply we process information, the more likely we are to remember it. Third, the long-term memory is organized into schemata or mental models, where concepts (burglary) and skills (problem solving) are categorized and stored. Finally, the long-term memory has nearly unlimited capacity and can store knowledge, experience, strategies, and feelings permanently.

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constructivism,[177] self-regulated learning,[178] and adult learning.[179] Principles from the legal education literature on teaching effectiveness generally overlap with the principles from learning theory—this should not be a surprise since the most important measure of teaching effectiveness is the quantity and quality of student learning that results from the instruction.

*General Design Principle 1: Respect and Expectations*

Mutual respect among teachers and students is an essential element of a healthy teaching and learning environment. In respectful environments, students and teachers explore ideas, share insights, and challenge one another to grow. Teachers' behaviors that foster respect include learning students' names, learning about students' experiences, and valuing diverse backgrounds and perspectives. Teachers should model respect in both the online and face-to-face environments.[180] One important element of respect is

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*Value of Variety, supra* note 10, at 67–68 (footnotes omitted).

    177. Constructivism is an emerging theory of learning. Four basic tenets of constructivism are relevant to variety in legal education. First, knowledge is constructed by, not transmitted to, learners. Second, constructivists view learning as a process in which students actively construct meaning based on experience. Third, learning is collaborative; knowledge is created through discussion and negotiation from multiple perspectives. Fourth, learning should occur in realistic settings because thinking is closely linked to the real-life situation in which it will be applied.

*Value of Variety, supra* note 10, at 68 (footnotes omitted).

    178. Self-regulated learning is the process by which successful students manage their learning. "Self regulated learning is best understood as a cycle involving three phases: a planning phase, in which the student decides how, what, when and where to study; an implementation phase, during which the student executes her plans; and a reflection phase, during which the student thinks back on her results and efforts, soberly evaluates her learning process and plans how she will learn even better the next time." TEACHING LAW BY DESIGN, *supra* note 167, at 9–10.

    179. Several principles of adult learning theory are especially relevant to course design: voluntariness, respect, and collaboration. *See* Gerald F. Hess, *Listening to Our Students: Obstructing and Enhancing Learning in Law School*, 31 U.S.F. L. REV. 941, 942–44 (1997) [hereinafter, *Listening to Our Students*]; TEACHING LAW BY DESIGN, *supra* note 167, at 8–9.

    Participation in learning is voluntary; adults engage in learning of their own volition. Adults pursue education because they want to develop new skills, sharpen existing skills, acquire new knowledge, and gain new insights. Adults are usually highly motivated to learn and are willing to engage in participatory learning methods such as discussion, simulation, and small group activities. However, adult learners quickly withdraw their participation if they feel that the education is not meeting their needs, does not connect with their past experiences, or is conducted at a level they find incomprehensible.

*Listening to Our Students,* at 942 (footnotes omitted).

    "Mutual respect for the self-worth of teachers and students underlies an effective teaching/learning environment. One of the central features of good teaching is that the students feel that instructors value them as individuals." *Id.* (footnote omitted). "Students and teachers are engaged in a cooperative effort. At different times during the course, and for varying purposes, different individuals can assume leadership." *Id*. at 943 (footnotes omitted).

    180. *See* TEACHING LAW BY DESIGN, *supra* note 167, at 13–14; Gerald F. Hess, *Heads and Hearts: The Teaching and Learning Environment in Law School*, 52 J. LEGAL EDUC. 75, 87–90 (2002)

high expectations of all students. Teachers' expectations have a powerful effect on student learning.[181] "High, realistic expectations lead to greater student achievement; low expectations lead to less learning."[182] High expectations are most effective if they are clear (student knows what teachers expect), achievable (if students try to do their best, they can meet the expectations), and uniform (high expectations of all students).[183] Teachers who have high expectations for their own performance can inspire student excellence.[184]

*General Design Principle 2: Variety*

Every aspect of course design benefits from variety. Learning objectives can include concepts, theory, analytical skills, performance skills, and professional values.[185] Teaching and learning methods can come from an extensive menu both in the classroom (*e.g.,* Socratic dialog, simulations, problem solving, lecture, large and small group discussion) and online (*e.g.,* asynchronous discussion, video lectures, podcasts, wikis). Materials to support those teaching methods include casebooks, statutory supplements, articles, CALI exercises, and websites.[186] Teachers should present new learning to students in multiple ways. For example, teachers could present new concepts orally (a lecture online or in the classroom) and graphically (a diagram or flow chart as a handout in class or on the course website). Multiple examples "help students learn abstract concepts."[187] Feedback to students can "come from the teacher, fellow students, a computer, or from the student herself."[188] Finally, assessment of student performance can include exams, quizzes, papers, participation, and performances both online and in the classroom.[189]

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[hereinafter *Heads and Hearts*].

    181. *See Heads and Hearts, supra* note 180, at 85.

    182. TEACHING LAW BY DESIGN, *supra* note 167, at 14.

    183. *Heads and Hearts, supra* note 180, at 90–92.

    184. TEACHING LAW BY DESIGN, *supra* note 167, at 14–15; *Heads and Hearts, supra* note 180, at 90–92. Respect and expectations come from the adult learning literature. *Listening to Our Students, supra* note 179, at 942, 953.

    185. *Heads and Hearts, supra* note 180, at 100.

    186. TEACHING LAW BY DESIGN, *supra* note 167, at 17–18; *Value of Variety, supra,* note 10, at 72–86.

    187. Schwartz, *supra* note 170, at 379. The principle of multiple types of presentation and examples comes from cognitvism. *Value of Variety, supra* note 10, at 69 n.35.

    188. *Value of Variety, supra,* note 10, at 90.

    189. *See* TEACHING LAW BY DESIGN, *supra* note 167, at 18; *Value of Variety, supra* note 10, at 91.

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*General Design Principle 3: Sequencing Instruction*

"Instruction should be sequenced."[190] Students should "master prerequisite content and skills before encountering more sophisticated concepts and analysis."[191] For example, in a blended course, texts, podcasts, or video lectures could introduce concepts outside of class and classroom.[192] To deepen and retain new learning, students need to make connections between new concepts and what they already know.[193]

*General Design Principle 4: Active Learning*

Learning activities should further students' efforts to construct understanding.[194] Active methods help students acquire and retain new concepts and skills.[195] Students engage in active learning when they do something other than reading, listening, and taking notes.[196] Active learning methods in law school include Socratic dialog, discussion, writing, outlining, problem solving, simulations, and real-life experiences.[197] Each of those methods could take place in the classroom or online. Active learning facilitates student achievement of important goals: thinking skills (analysis, synthesis, critical thinking), deep understanding of concepts and theories, lawyering skills (interviewing, negotiation, oral advocacy), and professional values.[198]

*General Design Principle 5: Collaboration*

Social interaction plays a central role in learning.[199] Students need opportunities to engage in dialog and collaborate with other students to gain other perspectives and deepen understanding.[200] Students can work in small

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190. *Value of Variety, supra,* note 10, at 69.

191. *Id.*; *see* Schwartz, *supra* note 170, at 368–69, 375. The principle of sequencing instruction comes from both behaviorism and cognitvism. *Id.* at 356 n.32.

192. *Value of Variety, supra* note 10, at 69–70.

193. *Id.* at 70.

194. TEACHING LAW BY DESIGN, *supra* note 167, at 5–7.

195. TEACHING LAW BY DESIGN, *supra* note 167, at 5. The principle of active learning comes from congnitivism and constructivism. *Value of Variety*, *supra* note 10, at 69 n. 37.

196. *Id.* at 5.

197. Gerald F. Hess, *Principle 3: Good Practice Encourages Active Learning*, 49 J. LEGAL EDUC. 401, 406–15 (1999) [hereinafter *Active Learning*]; TEACHING LAW BY DESIGN, *supra* note 167*,* at 18.

198. *Active Learning*, *supra* note 197, at 402–03; TEACHING LAW BY DESIGN, *supra* note 167, at 19.

199. TEACHING LAW BY DESIGN, *supra* note 167, at 7.

200. *Value of Variety*, *supra* note 10, at 68, 70; Schwartz, *supra* note 170, at 381; TEACHING LAW BY DESIGN, *supra* note 167, at 7. The principle of learning through social interaction, dialog, and collaboration comes from constructivism.

groups to solve problems, discuss theory and values, perform skills, synthesize concepts, and engage in many other exercises. A vast "body of research in higher education and legal education demonstrates the effectiveness of cooperative learning" to foster healthy relationships and student achievement.[201] Interaction and collaboration can take place through small group activities in the classroom or through asynchronous discussion online.[202]

## *General Design Principle 6: Learning Location*

Learning takes place both in and out of the classroom. Students can learn concepts outside of the classroom through written materials, videos, podcasts, outlining, CALI exercises, and threaded discussions online. Classroom activities, such as Socratic dialog and simulations, should be designed to maximize the strengths of learning from a live teacher in order to deepen student learning.[203]

## *General Design Principle 7: Practice and Feedback*

Practice and feedback are critical to learning.[204] "Learning is enhanced when students practice skills (analytical and performance skills) and get feedback on their performance."[205] Feedback is an important aspect of learning, both in online and law school classrooms.[206] "Effective feedback is specific, corrective, positive, and timely."[207]

> Feedback is most effective when teachers articulate specific criteria for student performance and give students feedback based on those criteria. Corrective feedback points out weaknesses in student work and provides strategies for improvement. Positive feedback identifies the strengths upon which students can build. Timely feedback comes relatively soon after student performance and gives students an opportunity to improve before their performance is evaluated.[208]

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201. TEACHING LAW BY DESIGN, *supra* note 167, at 19; *Heads and Hearts*, *supra* note 180, at 94–96.

202. *Heads and Hearts, supra* note 180, at 94–96.

203. *See Value of Variety*, *supra,* note 10, at 83; Schwartz, *supra* note 170, at 369–70. The principle of some learning taking place via programmed, non-classroom instruction is from behaviorism. Schwartz, *supra* note 170, at 369–70.

204. *Heads and Hearts*, *supra* note 180, at 108.

205. *Value of Variety*, *supra*  note 10, at 70.

206. *Heads and Hearts*, *supra* note 180, at 106–08.

207. *Id.* at 106.

208. TEACHING LAW BY DESIGN, *supra* note 167, at 21.

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*General Design Principle 8: Reflection*

Students' reflection improves learning. Expert learners continuously monitor their own understanding of what they are supposed to be learning.[209] Reflective learners also evaluate how well and how efficiently they have learned something in order to improve their future learning.[210] Online exercises and discussion may be especially appropriate to foster reflection, since the online environment does not have the same time constraints as face-to-face classes do.[211]

*B.   Blended Course Design Principles*

This Section offers ten recommendations for the design of blended courses in law school. The recommendations include fundamental principles that apply to the design of any course and a set of specific issues for blended courses. The ten blended course design recommendations are derived from the teaching, learning, and instructional design literature, interviews with students and faculty, and findings in the 2005 and 2010 meta-analyses.[212]

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209.  *Id.* at 11.

210.  Schwartz, *supra* note 170, at 376; TEACHING LAW BY DESIGN, *supra* note 167, at 11–12. The principles of reflection, self-monitoring, and self-evaluation come from cognitivism and self-regulated learning.

211.  CAULFIELD, *supra* note 29, at 167–68; Rosenburg, *supra* note 41, at 44.

212.  Caulfield discusses eight critical questions to consider when planning a blended course. *Id.* at 58–78.

"*Question 1*. What is it that students must demonstrate they know by the time they have successfully completed the course?" *Id.* at 58.

"*Question 2*. What learning activities could students actively engage in to achieve identified learning objectives?" *Id.* at 59.

"*Questions 3*. How will the [face-to-face] and time out of class components be integrated into a single course?" *Id.* at 62.

"*Question 4*. As you consider the characteristics of our class (size, area of study, demographics, length of [face-to-face] classes and class duration), how will they influence your course design?" *Id.* at 65.

"*Question 5*. How will you divide the percentage of time students spend in class and out of class, and how will you schedule the in-class time and the out-of-class time?" *Id.* at 70.

"*Question 6*. Faculty tend to require students to do more work in a [blended] than they might normally require in a purely traditional course. As you design your [blended] course, how might you lessen the likelihood of creating a course with an excessive workload?" *Id.* at 71.

"*Question 7*. How will you effectively communicate what will occur during class and out of class, including how work in both these environments will be evaluated?" *Id.* at 72.

"*Question 8*. How will you develop social presence in your [blended] course?" *Id.*

Likewise, Garrison and Vaughn set out a five-phase "Redesign Guide for Blended Learning," including design questions for each phase. GARRISON & VAUGHN, *supra* note 6, at 177–79. The first three phases are most applicable to this Article.

Analysis Phase. "What do you want your students to know when they have finished taking your blended learning course (e.g., key learning outcomes—knowledge, skills, and attitudes)? What do you

*Recommendation 1: Incorporate the Fundamental Principles of Instructional Design, Teaching, and Learning[213]*

The instructional design process begins with a comprehensive set of learning objectives clearly articulating what doctrine, theory, skills, and values students should learn in the course.[214] The selection of teaching and learning methods, materials, feedback mechanisms, and assessment all flow from the learning objectives.[215] Respect, high expectations, and variety should permeate the course.[216] Teaching and learning activities in the classroom and online should allow students to actively construct understanding, to integrate new learning with prior learning, and to collaborate with other students.[217] Finally, the course should build in opportunities for students to practice skills, get feedback, and reflect on their learning.[218]

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want to preserve from your existing course format? What would you like to transform?" *Id.* at 177.

Design Phase. "What types of learning activities will you design that integrate face-to-face (F2F) and time-out-of-class (TOC) components? What means will you use to assess these integrated learning activities? What are your expectations for student participation within and outside of the classroom? How will you configure and schedule the percent of time between the F2F and TOC components of your course? How will you use your course outline to communicate the learning outcomes, activities, assessment plan, schedule, and key content topics to your students?" *Id.* at 177–78.

Development Phase. "How will you use a learning management system (i.e. Blackboard) to create a structure for you course (e.g., content modules, key topic areas)? What existing resources can you use for your blended course (e.g., existing handouts, digital learning objects)? What new learning activities and/or content do you need to develop for your course?" *Id.* at 178.

213. *See* BLENDED LEARNING, *supra* note 47, at 5 "Good instructional design is vitally important to the success of a blended learning course, perhaps even more so than in a traditional classroom or in fully online courses. The move to blended learning gives the faculty member an opportunity to revisit his or her course's instructional design." *Id.*

214. *See supra* text accompanying notes 178 and 191.

215. *See supra* text accompanying note 178. Garrison and Vaughn set out four key questions to guide the design of a blended course:

> 1. What do you want your students to know when they have completed your blended learning course?
>
> 2. What types of learning activities will you design that integrate face-to-face and online components?
>
> 3. What means will you use to assess these integrated learning activities?
>
> 4. How will information and communication technologies be used to support blended learning?

GARRISON & VAUGHN, *supra* note 6, at 107.

216. *See supra* text accompanying notes 184–191.

217. *See supra* text accompanying notes 185–189.

218. *See supra* text accompanying notes 208–113.

*Recommendation 2: Decide How Much of the Course to Design or Redesign in a Blended Format*

Designing a blended course takes significant lead-time. The instructor should complete the design process before the course begins.[219] "Faculty report[] working on their first blended course for two to three months before teaching it."[220] A threshold question is whether to design the entire course in a blended format or only a portion of the course. Most faculty begin by redesigning a portion of a course into a blended format.[221] If only a portion of the course is designed in a blended format, the teacher can use that experience to decide whether to redesign subsequent versions of the course to include more blended learning.

*Recommendation 3: Strong Organization Is Critical in a Blended Design*

A blended course design is more complex than most traditional, face-to-face courses.[222] The syllabus should be a complete guide to a blended course, including course information, teacher information, course description, materials, learning objectives, teaching/learning methods, technology support, course policies, assessment scheme, and course schedule.[223]

> [S]tudents need a calendar and a course plan so they can see the dates and times of the [face-to-face] classes and immediately

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219. CAULFIELD, *supra* note 29, at 194, 199.

220. *Id.* at 199.

221. *Id.* at 199.

222. GARRISON & VAUGHN, *supra* note 6, at 5–7.

223. *Id.* at 177; GARRISON & VAUGHN, *supra* note 6, at 205–217 (template for a blended course syllabus and a detailed example of a blended course syllabus). For example, a syllabus for a blended course could address the following:

- Course information (title, number, credits),
- Teacher information (name, office, phone, email, website, office hours),
- Course description (from catalog or website),
- Materials (books, course website, videos, podcasts, CALI exercises, Internet, etc.),
- Learning objectives (student learning outcomes),
- Teaching/learning methods (description of and rationale for blended design; teacher's expectations),
- Technology support (name, phone, email, and  hours for instructional technology support),
- Course policies (attendance, participation, deadlines, academic honesty, teacher availability, etc.),
- Assessment scheme (types of assessments, weight, due dates, grading scheme), and
- Course schedule (assignments, readings, and activities for online and classroom components).

distinguish out-of-class and in-class work [and] when assignments are due . . . . [S]tudents who have a clear sense of what the course plan is will be more likely to actively and positively engage in learning activities.[224]

After completing a draft blended-course syllabus and plan, view the course from the students' perspective. Walk through each part of the course asking how a student may become stymied or confused.[225]

*Recommendation 4: Treat Technology as a Tool, Not a Toy*

Student learning outcomes, not technology, should drive the design of a blended course.[226] Girdy, Wise, and Craig offer a three-step process for deciding what technology to use in a law school course.

Effective planning for implementing technology involves three key components. First, faculty members must determine the academic goals—the educational goals or outcomes—the faculty members want students to achieve. Second, faculty members must determine what activities or resources will help students reach those goals. This evaluation should not be tied to particular technologies, but instead should focus on what the student needs to do or to access to achieve the desired outcome. Third, faculty members then determine which technologies are appropriate for those activities or resources.[227]

Teachers should be comfortable with whatever technology they choose for the course.[228] It is especially important for teachers to be fully familiar with the operation of the course website or course management system. And competent technology support for students should be readily available.[229]

*Recommendation 5: Integrate Face-to-Face and Online Components of the Course*

A course that blends online and face-to-face learning raises unique design challenges.[230] The teacher must decide what percentage of the instruction will

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224. CAULFIELD, *supra* note 29, at 72. See pages 73–78 for a detailed example of a course calendar and schedule of assignments for a graduate course in leadership.

225. *Id.* at 200.

226. *Id.* at 199.

227. Gerdy, Wise & Craig, *supra* note 52, at 274.

228. CAULFIELD, *supra* note 29, at 178.

229. *Id.* at 170, 178, 196.

230. *Id.* at 70.

take place in the classroom and what percentage online.[231] As noted above, ABA accreditation standards place very few limitations on blended courses in which the online component does not exceed one-third of the course.[232] Next, the teacher must decide how to schedule the online and face-to-face classes. One of the pitfalls of blended course designs is that teachers tend to add online activities to an existing face-to-face course, resulting in an excessive workload that overwhelms students.[233] Consequently, one key to effective blended course design is to integrate the online and classroom components to achieve significant learning objectives.[234] For example, Rosenberg integrated face-to-face and online instruction for a major assignment in his first-year lawyering seminar—an oral argument. To begin preparation for oral argument, students viewed and discussed two videos of oral arguments in the classroom. Then, in an online class, the students listened to an audio recording of an oral argument, posted individual responses to questions about the argument, and commented on other students' contributions.[235] Each student made an oral argument in front of professors, practitioners, or judges.[236] Within twenty-four hours of their arguments, students posted online their reflections on their oral argument experience and their advice for colleagues on how to prepare for oral arguments.[237] Finally, in the classroom, students participated in small-group critiques of their arguments, including video clips selected by each student to illustrate strengths and weaknesses of their arguments.[238]

*Recommendation 6: Make Asynchronous Discussion a Significant Part of the Blended Course*

Teachers and students with extensive experience in blended courses recognize that asynchronous discussion can be a powerful tool to foster student learning.[239] Students note that asynchronous discussion provides equal opportunity for every student to participate and that students who participate rarely in the classroom often make valuable contributions in

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231. *Id.*

232. *See supra* text accompanying notes 30–31.

233. CAULFIELD, *supra* note 29, at 70–71.

234. GARRISON & VAUGHN, *supra* note 6, at 5. Another way to achieve integration is to spend a few minutes in the face-to-face classroom debriefing online activities. CAULFIELD, *supra* note 29, at 178–79.

235. Rosenberg, *supra* note 41, at 71.

236. *Id.*

237. *Id.*

238. Rosenburg, *supra* note 41, at 71–81. Professor Rosenburg describes in detail how he redesigned and delivered an oral argument module, previously taught entirely face-to-face, into a blended format. *Id.*

239. *See* CAULFIELD, *supra* note 29, at 171–72, 190–192; Rosenburg, *supra* note 41, at 46–51.

asynchronous discussion.[240] Students find that asynchronous discussion is flexible and suited to a variety of types of assignments, facilitates student collaboration, and increases the quantity and quality of discussion in the course.[241] Teachers value asynchronous discussion as a vehicle for students to construct understanding, collaborate, and develop written communication skills.[242]

> Online discussions are particularly well suited to the kind of evidence-based critical analysis that synthesizes information from a variety of sources, and makes connections between the specific and the general. This is one of the key foundational pillars of "thinking like a lawyer" in everything from fact investigation to legal analysis.[243]

*Recommendation 7: Make Assignment Instructions Crystal Clear*

Lack of clarity in assignments leads to inefficiency and frustration for students.[244] Clarity is especially important in the online portion of the course where it is more difficult to fix poor instructions once students begin working on an assignment.[245] Rosenberg stresses the importance of clear instructions in blended law courses.[246]

> Unlike traditional courses, which are familiar to students after many years of schooling, online classrooms need more extensive introduction, explanation, and mapping of conventions and expectations. The website has to be integrated into the activities, requirements, and expectations of the course. Students need to learn how to navigate, participate, interact, and collaborate on the course website. The teacher has to facilitate this on the macro level of the course's structure, expectations, and requirements, as well as on the micro level where online activities (e.g., group discussions) require precise organization, explicit guidance, and explanation of process and goals in order to succeed.[247]

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240. CAULFIELD, *supra* note 29, at 166.

241. *Id.* at 171–72.

242. *Id.* at 190–91; *see* Rosenburg, *supra* note 41, at 46–51.

243. Rosenburg, supra note 41, at 47 (footnote omitted).

244. CAULFIELD, *supra* note 29, at 166.

245. *Id.* at 177, 200 (setting out out five examples of online assignments with clear, detailed instructions on pages 84–96).

246. Rosenburg, *supra* note 41, at 16.

247. *Id.* at 30.

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*Recommendation 8: Be Present in Both the Online and Face-to-Face Components of the Course*

A challenge "unique to blended learning courses is that students will not see the online and face-to-face components as equal in value and will therefore spend most of their time and effort in only one of the two modalities."[248] To deal with this challenge, the teacher should be visible in both the face-to-face and online components, moderating discussions and providing feedback to students.[249] Teacher participation in the online portion of the course sends the message that it is as important as the face-to-face portion of the course.[250] Further, the 2005 Meta-Analysis found that the level of instructor involvement is the single most important factor in effective distance education.[251] When instructor involvement was ranked as low, such as courses where students interact with the computer alone, face-to-face instruction was significantly more effective than distance instruction.[252] Conversely, when instructor involvement was rated as medium or high, distance education was significantly more effective.[253]

*Recommendation 9: Build Social Presence and Collaboration Among Students*

One of the advantages of a blended format is the opportunity to maximize social presence and collaboration among students throughout the course.[254]

> [S]ocial presence is the degree to which we perceive we are interacting with other persons versus inanimate objects. If the perception of social presence is high, we tend to interact in a collaborative manner that increases group cohesion and free expression of emotion, building trust among group members. Conversely, if we perceive social presence to be low, we feel disconnected, and group cohesion and trust is nonexistent.[255]

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248. BLENDED LEARNING, *supra* note 47, at 5.

249. *Id.*

250. CAULFIELD, *supra* note 29, at 200.

251. 2005 META-ANALYSIS, *supra* note 127, at 53.

252. *Id.* at 41–43.

253. *Id.* at 33–34. Similarly, the 2010 Meta-Analysis found that student learning was enhanced when on-line instruction was collaborative among students or instructor directed, rather than when students worked on-line independently. 2010 META-ANALYSIS, *supra* note 127, at xv.

254. CAULFIELD, *supra* note 29, at 72–78.

255. *Id.*

Discussion and small group work in the classroom and online can build social presence and collaboration among students.[256]

### Recommendation 10: Make Student Reflection and Self-Monitoring Part of the Course

The 2010 Meta-Analysis found that online instruction prompting learner reflection and self-monitoring of understanding enhanced student learning.[257] The opportunity for reflection is one of the inherent advantages of the online component of the course. "The distance of time and space allows for . . . reflective practice, which is critical in achieving the higher learning necessary when gaining professional competence."[258]

## V. CONCLUSION

Instructional technology has arrived in legal education. The purely face-to-face course, with no instructional technology component, is no longer the norm. Many law teachers use instructional technology in and out of the classroom—presentation software, video, audio, "clickers," course websites, computer-based lessons, etc.[259]

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256. *See id.* at 81–97, 109–23 (describing theory and detailed examples of discussion and small group assignments in a blended course).

257. 2010 META-ANALYSIS, *supra* note 127, at 44–45. "A dozen studies have investigated what effects manipulations that trigger learner reflection and self-monitoring of understanding have on individual students' online learning outcomes. Ten of the studies found that the experimental manipulations offered advantages over online learning that did not provide the trigger for reflection." *Id.* at 48.

   Rosenberg's oral argument assignment includes an online reflection component.

   Within 24 hours after you complete your oral argument, please post at least two full paragraphs (and feel free to post more) which include your preliminary reflections on the oral argument experience and some tips and advice for your colleagues who are preparing for oral argument (if you're scheduled for the last arguments on April 22, complete the "tips" portion of this assignment as if others are still preparing for their arguments).

   The paragraph(s) which contain your reflections should not be judgmental (i.e., don't focus on what you think you did well or not so well). Rather, consider the experience as a whole and share your thoughts, feelings, and impressions (you don't need to view your argument on tape before doing this assignment). This is a chance to be a little creative, let your thoughts flow, and reflect on your experience. Don't feel constrained to write in a "formal" way, you can use stream of consciousness, or any form of narrative (but whatever you do, prepare with care and proofread).

   The paragraph(s) that include your "tips" and advice for your colleagues should be aimed at helping others prepare for their argument. Try to pick out a few things that you think will be helpful to others. Approach it from a lawyering perspective; before you know it, when you are in practice, you'll be doing this on a daily basis with your colleagues.

Rosenberg, *supra* note 41, at 75.

258. CAULFIELD, *supra* note 29, at 193.

259. *See* LAW SCHOOL 2.0, *supra* note 1, at 76–85.

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Blended course design, which includes significant online and face-to-face components, should be part of legal education's future. There is substantial support for the notion that effective blended course design can improve student learning; that support is found in the literature on teaching and learning, interviews with students and teachers, and empirical studies of student learning.[260] Likewise, the legal and higher education literature offers detailed guidance for law teachers who choose to design a blended course.

Will blended course design be the next big thing in legal education? Probably not. It requires significant time and effort to design and teach a blended course, and many of the institutional incentives in law schools encourage law teachers to emphasize other aspects of their jobs. However, a pedagogical innovation that significantly improves student learning deserves an opportunity to prove itself in legal education. After all, excellent student learning is, or should be, a primary goal of every law school.

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260. *See* CAULFIELD, *supra* note 29; BLENDED LEARNING, *supra* note 47; Gerdy, Wise & Craig, *supra* note 52.