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# Corporations Hybrid: A COVID Case Study on Innovation in Business Law Pedagogy

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# *Corporations Hybrid:*
# *A COVID Case Study on Innovation in*
# *Business Law Pedagogy*

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2020

# Corporations Hybrid:

## A COVID Case Study on Innovation in Business Law Pedagogy

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## I. Introduction

This Article is about using "asynchronous" online technology synergistically with in-class experiences and "synchronous" live-distance education sessions. It focuses on creating instructional videos because great videos are essential for online learning.[1] This Article also discusses creating digital teaching assets for active learning such as formative assessments, learning journals, and discussion boards.

We two co-authors are a law professor and his former student and current teaching assistant. We worked together for two years to innovate and implement many technological enhancements in Corporations class. We created and deployed a "Hybrid" course in which students performed "asynchronous" technology-mediated learning activities before class and then engaged in "synchronous" dialogue and group discussion during class time. This Article contains our report on our methods and the results.

Halfway through the semester, the coronavirus pandemic swept the world, and we suddenly changed in-person class time to "synchronous" Zoom meetings. Surprisingly, the course adapted remarkably well to this online Hybrid format. We realized that combining asynchronous technology-mediated learning with synchronous or live experiences resulted in a more impactful course. The faculty author also used Hybrid Method techniques to bring his Contracts course online in response to the COVID-19 emergency. We determined to write up a case study on our experiences with mixed modality teaching. We hope to help other teachers decide whether and how to create and deploy "digital teaching assets" in their own classes.

This is a good time to think about changing one's teaching. Technology has disrupted many industries,[2] including higher education.[3] The COVID-19 pandemic further

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[1] Wen-Jung Hsin and John Cigas, Short Videos Improve Student Learning in Online Education, 28 Journal of Computing Sciences in Colleges 253-259 (2013); Milos Ljubojevic, Vojkan Vaskovic, Srecko Stankovic and Jelena Vaskovic, Using Supplementary Video in Multimedia Instruction as a Teaching Tool to Increase Efficiency of Learning and Quality of Experience, 15 International Review of Research in Open and Distributed Learning 275-291 (2014); Cynthia J. Brame, Effective Educational Videos: Principles and Guidelines for Maximizing Student Learning from Video Content, 15 Cell Biology Life Sciences Education 1-6 (2016).

[2] See generally Clayton Christensen, The Innovator's Dilemma: When New Technologies Cause Great Firms to Fail (1997 Harvard Business Review Press).

[3] Henry C. Lucas, Technology and the Disruption of Higher Education (2016 World Scientific Publishing Co.)

disrupted higher education.[4] In March 2020, over 1,102 colleges and universities in the U.S. and at least 14 million students suddenly moved to online classes.[5] Early surveys showed that 56.7% of primary school teachers were not prepared to facilitate remote learning,[6] whereas colleges and universities were much better prepared.[7] Thanks to prior adoption of technologies such as learning management systems[8] and university investments in educational technology,[9] only 2.9% of college and graduate students reported that their schools closed for the remainder of the academic year,[10] and fewer than 10% felt their school was not handling the crisis well.[11]

Online learning passed this trial by fire, but "well-planned online learning experiences are meaningfully different from courses offered online in response to a crisis or disaster."[12] In other words, surviving is different than thriving.[13] Surviving a crisis is obviously important, but thriving despite challenging circumstances is even better.[14] As we ask whether institutes of higher education will even be open until 2021,[15] we tech-savvy teachers should be preparing and planning for teaching online in Fall 2020 and beyond. The time of coronavirus is not the first time that higher education was

4 Scott Galloway, How Covid-19 Is Accelerating the Disruption of Higher Education, Medium.com (April 5, 2020).

5 Abigail Hess, How Coronavirus Dramatically Changed College for Over 14 Million Students, CNBC.com (March 26, 2020).

6 ClassTag, Special Report: How Teachers are Turning to Technology amid COVID-19 School Closings (2020).

7 Derek Netwon, Here's How the Selling of Online Education Will Change, Forbes (April 1, 2020).

8 Jason Rhode, Stephanie Richter, Peter Gowen, Tracy Miller, and Cameron Wills, Understanding Faculty Use of the Learning Management System, 21 Online Learning 68-86 (2017) (finding that 99% of higher education instructions have a learning management system in place).

9 See, e.g., Duquesne University, Educational Technology, https://www.duq.edu/academics/resources-and-technology/educational-technology.

10 Will Patch, Impact of Coronavirus on Students' Academic Progress and College Plans, Niche Partners (March 25, 2020).

11 Id.

12 Charles Hodges, Stephanie Moore, Barb Lockee, Torrey Trust and Aaron Bond, The Difference Between Emergency Remote Teaching and Online Learning, Education Review (March 27, 2020).

13 Anna Akbari, Surviving vs. Thriving, Psychology Today (Dec. 16, 2019) (explaining that "surviving is a drag, a daily slog," whereas "[t]hriving is joyful and infectious."

14 For an inspiring musical interpretation of operating in survival mode, please view Ti Moune, Waiting for Life, Once on This Island, https://youtu.be/tSsgkT5Z9F4.

15 Adam Harris, What If Colleges Don't Reopen Until 2021?, The Atlantic (April 24, 2020).

disrupted,[16] and it is unlikely to be the last.[17] Therefore, this Article strives to provide suggestions on developing digital teaching assets that aid learning in many contexts.

Even without a worldwide crisis to create a "moment" for online education,[18] scholars have suggested a multitude of potential benefits from technology-mediated education.[19] One of the most compelling reasons for law professors to adopt educational technology in law school is to engage new law students in first-year doctrinal courses.[20] In our opinion, technology provides unparalleled ability to connect with individual students in a large class and get early warning about at risk students. Upper-division law students additionally benefit from access to structured information necessary for the bar exam. Evening, part-time, and nontraditional students especially benefit from the flexible options for accessing class materials.

Despite these potential benefits, however, many teachers may be concerned about adopting new methods just because they have recently been enabled by technology. Some have even mounted cases against using technology to teach the law.[21] Lawyers are often considered to be risk averse,[22] so it may be that law professors are risk averse

16 E.g., Jake Maher, Closing Schools Saved Lives During the Spanish Flu. Can It Work for Coronavirus?, Education Week (April 27, 2020); Michal David Cohen, The War Goes to College, New York Times (Oct. 8, 2012) (discussing how the Civil War caused colleges to close); Zoe Altaras, The May 1970 Student Strive at UW, University of Washington Civil Rights and Labor History Consortium (retrieved April 27, 2020) (describing how the Vietnam War contributed to civil unrest on college campuses).

17 Although we can and should make efforts to mitigate pandemics in the future, disruptive war and disease are unlikely to abruptly end in the near future. See Susan Desmond-Hellmann, Preparing for the Next Pandemic, The Wall Street Journal (April 27, 2020).

18 Emily Bary, This Is Online Education's Moment as Colleges Close During Coronavirus Pandemic, Market Watch (March 18, 2020).

19 As early as 2010, scholars recognized that technology-mediated education could: (1) provide pre-entry support and aid early transition for new learners, (2) enhance social interaction and community integration, (3) offer opportunities to build skills in writing, reading, critical thinking, math, etc., individually to help level-set peer groups; (4) improve communication with faculty, staff, and peers, (5) maintain engagement through rich Web 2.0 learning environments, (6) attract new audiences and increase student inclusivity and diversity, (7) create more student-centered learning approaches, (8) leverage "digital native" skills to conform education with the "online lifestyle of the "next generation," (9) enhance and support traditional instruction, (10) identify "at risk" students and direct them to student support via "early warning systems," and (11) involve academic staff in the learning experience. Ruth Lefever and Becka Currant, How Can Technology be Used to Improve the Learner Experience at the Points of Transition? Review of Peer Reviewed Academic Literature, University of Bradford (2010).

20 E.g., Timothy J. McFarlin, Using Open-Source, Collaborate Online Reading to Teach Property, __ Saint Louis University Law Journal __ ([2020]).

21 E.g., Andrew Rothman, A Case Against Higher Tech in the Law School Classroom, Rutgers Computer & Technology Law Journal (2014).

22 See, e.g., Julie Schaeffer, Lawyers Are Generally Risk Averse, American Builders Quarterly (March 2015).

as well. Meanwhile, faculty, especially tenured faculty, are notably resistant to change.[23] Such change aversion was famously illustrated by Groucho Marx playing the role of a college president who is presented with a proposal by University trustees in the movie *Horse Feathers*: "I don't care what they have to say. It makes no difference anyway! Whatever it is, I'm against it!"[24]



Untenured faculty might be abashed at so glibly refusing to change, instead asking: Where is the evidence to show these new methods really help students learn? Are these new methods practical to employ? Is my school technologically ready to adopt these changes? Am I ready? These are reasonable question which this Article makes no attempt to answer. Instead, this Article is written for the growing portion of faculty who either see the merits of enhancing their pedagogy with technology – or who recognize the existential necessity to do so – and who are looking for advice about how to accomplish this laudable goal.

This Article hopes to make one significant contribution; namely, it explains how the Socratic Method and the Lecture Method can both be employed strategically to create a more optimal experience online. We call this mashup the "Hybrid Method." At least in our limited experience of bringing Corporations online, we found that strategic application of both these time-tested teaching methods have synergies when combined in certain ways. Moreover, we found that this teaching method words both online and in person. Given the uncertainty regarding in-person education this Fall 2020 and perhaps in the future, flexible pedagogy that works well online and in person is worth investing in.

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23 See., e.g., John Tagg, Why Does the Faculty Resist Change?, 44 Change: The Magazine of Higher Learning 6-15 (2012).

24 Movieclips, Horse Feathers (1/9) Movie CLIP – I'm Against It, YouTube.com (1932).

If you value digital teaching, this Article will share tips and pitfalls about how to create valuable digital teaching assets and deploy them in a variety of learning environments.

This Article is not intended to contribute to the discussion on whether the Socratic Method or the Flipped Method is "better" in some normative sense. But it is necessary to review what we perceive as strengths and weaknesses of both before we explain how we integrated them in our Hybrid Method. The section that follows is therefore a brief but hardly authoritative review of two contrasting pedagogical methods for teaching law.

## II. Law School Teaching Methods

The tradition paradigm for teaching law is the so-called Socratic method.[25] In a 1996 survey funded by the Institute for Law School Teaching,[26] 97% of first-year law teachers and 93% of upper-level law teachers used the Socratic Method.[27] At that time, less than 10% of class time was used for small group discussions, role playing, and other learning activates.[28] In 2018, students still except to be taught via the Socratic Method.[29] Even though the method has been frequently criticized, it remains relevant and recognized for its particular ability to each lawyering skills and concepts that are not easily communicated.[30]

A traditional pedagogical alternative for law school is the Lecture Method. Although its use is common,[31] its passive-learning approach may not be a particularly effective way to students to absorb legal information.[32] Concerns about the quality of education that

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[25] Steven I. Friedland, How We Teach: A Survey of Teaching Techniques in American Law Schools, 20 Seattle U. L. Rev. 1, 12 (1996).

[26] The Institute is part of Gonzaga University School of Law and is run by Professor Gerry Hess. The Institute publishes The Law Teacher twice a year, offers several grants for teaching related projects, and conducts an annual conference on current ideas and issues in law teaching. Friedland FN 5.

[27] Friedland at 27.

[28] Friedland at 27.

[29] See Gregory Marsden Gregory, Doing Law School Wrong: Case Teaching and an Integrated Legal Practice Method (November 15, 2018), at 5.
("US law students expect to be taught using the LSCM [Law School Case Method], and its use may be seen as the hallmark of a serious law school course.")

[30] Id. at 2.

[31] In a 1996 survey of law teachers, 94% reported they use the Lecture Method at least some of the time, and 16% reported using it most of the time, even though "reliance on the lecture method (or entirely on any other method, for that matter) is not all that effective in light of the different ways students learn." Friedland at 29.

[32] Id.; see also Mamata Chimmalgi, Interactive Lecture in the Dissection Hall: Transforming Passive Lecture into a Dynamic Learning Experience, 12 Anatomical Science Education 191-199, 192 (observing that didactic lecture, while common, may be ineffective for learning because lectures fail to engage the attention of the learners if used merely to transmit the readily accessible facts, or if the instructional goals involve modification of attitudes or development of thinking skills. Lectures may be perceived as

relies on the Lecture Method are widespread.[33] Empirical evidence suggests that a pure lecture method is pedagogically ineffective—especially online.[34] Apparently, boring class lectures are even more boring online! To be more precise, the assumption that information being delivered via a lecture is received by the students may be misguided.[35] Accordingly, we will not focus on lecture methods in this paper.

We focus on the Flipped Method.[36] The Flipped Method prioritizes active learning experiences, juxtaposed with short lectures.[37] The Flipped Method often relies on students watching out-of-class video lectures,[38] which this article discusses creating.[39]

## A. The Socratic Method

Many law school professors choose to employ the Socratic Method of teaching. For those whose lives have been centered around legal academia for some time, the concept of the Socratic Method is not a new concept. Additionally, neither is the debate centered over whether academia should continue to use the Socratic Method in law school. Certainly, the Socratic Method has both strengths and weaknesses from both a student's and professor's perspectives. What follows are our opinions of pro and con of the Socratic Method from an online teaching and learning perspective.

authoritative, instructor-centered, monotonous, and content-dense, making the students feel disinterested, distracted, and dissatisfied.)

[33] See Andrew Coleman, Tristan Can Cui, Kirsten Schliephake, Tammy Smith, & Paul Sugden, Flipping Business Law Units in Challenging Times: Flipping Mad or Engaging a Better Pedagogy? (September 10, 2018) (citing studies showing low "quality" of the educational services that rely on the Lecture Method, challenging passive learning through a didactic lecture as failing to engage students or improve learning, observing reduction in student numbers attending lecture-based classes).

[34] Diane Kraal, Legal Teaching Methods to Diverse Students Cohorts: a Comparison between the United Kingdom, the United States, Australia and New Zealand, 47 Cambridge Journal of Education 389-411 (2017).

[35] Friedland at 29.

[36] See, e.g., Amy Roehl, Shweta Linga Reddy, and Gayla Jett Shannon, The Flipped Classroom: An Opportunity to Engage Millennial Students Through Active Learning Strategies, 105 JFCS 44-49 (2013).

[37] Roehl at 45.

[38] F. Ozdamli and G. Asiksoy, Flipped classroom approach, 8 World Journal on Educational Technology: Current Issues 98-105, 100-01 (2016).

[39] Infra.

### 1. Socratic Strengths

One advantage of this method for students is that it stimulates motivation.[40] Socratic dialogue may have another benefit: fear motivates them to prepare for questioning.[41] Thus, the core strength of the Socratic Method for students may be its ability to motivate and prepare them for a question and answer dialogue during class time.

In addition to encouraging motivation and class preparedness, economic efficiency has allowed the Socratic Method to continue to be used throughout law schools in the United States. Many professors believe that because first-year law school class sizes range from 60 to more than 100 students, the Socratic Method remains an economical and effective way to instill the necessary skills one needs to practice law.[42] Additionally, most of the teaching supplements and text books have been crafted to teach to the style of the Socratic Method.[43] As stated by two prominent professors, "the Socratic method has allowed large numbers of students [to be taught] at relatively little expense for instruction and materials."[44] Thus, given that many of the course materials on the market today encourage the continuation of the Socratic Method, law schools and their faculty find little incentive in adapting to a new learning approach because it does not appear to be cost effective.[45]

The third advantage of the Socratic Method is the familiarity which professors have with this method.[46] Many professors themselves, particularly those from elite law schools, were taught in law school through the use of the Socratic Method and have used this method since they began to teach. The comfort level that it instills allows them to believe they can effectively teach a large number of students complex and dense material in a matter of weeks.[47]

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40 See: Taking Socrates' Pulse, Mich. B.J. (May 2002), at 46. (According to one survey cited by the author, only 30 percent of the first-year professor respondents used the Socratic method the majority of the time. In upper classes, 94 percent of the respondents lectured at least some of the time.)

41 Taking Socrates' Pulse, Mich. B.J. (May 2002), at 46.

42 Id. (Probert 2015; White et al 2016; Carbone et al 2016; Kraal 2017),

43 Jamie R. Abrams, Reframing the Socratic Method, 64 J. LEGAL EDUC. 562 (2015).

44 See, e.g., Michele R. Pistone & John J. Hoeffner, No Path But One: Law School Survival in an Age of Disruptive Technology, 59 Wayne L. Rev. 192, 197 (2013) at 211.

45 Id.

46 See Deborah L. Rhode, Missing Questions: Feminist Perspectives on Legal Education, 45 Stan. L. Rev.1547 (1993) (noting that the Socratic method has not changed universally because for some faculty the Socratic method just works well).

47 Id.

## 2. Socratic Weaknesses

While the Socratic Method boasts many strengths, it also contains many critical flaws. There has been significant criticism with regard to the fear the Socratic Method engenders among students entering law school. Critics argue that the Socratic Method can foster alienation and a lack of self-confidence in students through its cold calling approach.[48] Generally, many first-year law students are intimidated as they enter into a classroom of as many as one hundred people, Most of whom they have never met before. They are generally unfamiliar with the complex and dense legal material and do not understand the process of analyzing it. Yet, once they are called upon by the professor, they must engage in a lengthy question and answer session, knowing that all of their fellow students are staring directly at them. This additional pressure generally leads to limited responses and can cause students to no longer participate in class discussions out of fear of embarrassment.

The third weakness of the Socratic Method is that it does not truly test what is taught throughout the semester.[49] Again, as stated previously, in most first-year law school courses, each class focuses on the reading and analysis of judicial opinions. Students are taught to analyze each case using a method known as IRAC. This acronym stands for issue, rule, analysis, and conclusion. Time and again, students are asked to identify the issue the court cites in its opinion and observe which facts are most relevant to answering the question presented by the issue. Then, students must locate and distill the relevant rules that the court applies these facts. They also need to explain the relevant analysis which the court discusses in its opinion and discuss what the court conclusion was. After the student "on call" seems to understand the case, the professor will press that student to nimbly change his or her analysis based on subtle shifts in the facts. At the extremes, some professors will continue to twist and turn the hypothetical until the student can no longer make sensible arguments, leaving the student to wriggle like a fish on a line.[50]

When using the Socratic Method, professors must select cases very carefully. Depending on the age of the case, students may never get through all of the steps that

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48 See Christopher M. Ford, The Socratic Method in the 21st Century, U.S. Military Acad. 1 (2008) (note 15, at 3 (highlighting the psychological pressures and overwhelming anxiety attributed to the Socratic Method).

49 Debora L. Threedy & Aaron Dewald, Re-Conceptualizing Doctrinal Teaching: Blending Online Videos with In-Class Problem-Solving, 64 J. Legal Educ. 606 (2015).

50 The extreme version of the Socratic Method is illustrated by Professor Kingsfield (played by John Houseman) in The Paper Chase (1973). The tortuous clip is available on YouTube at https://youtu.be/qx22TyCge7w.

IRAC requires of them and instead become bogged down in ancient legal terminology.[51] Likewise, if a case is long and complex,[52] students may have great difficulty preparing for class by reading it, as they will be unsure what aspects are important. When faced with such difficult cases, students are more likely to skip casebook reading altogether and instead merely read the case brief from a paid study aid company like Quimbee.[53]

Thus, after an entire semester of learning this process and perfecting their IRAC skills, students are well reasoned in their belief that their final examination will consist of analyzing a case using IRAC.[54] However, upon opening their examination booklet, students find something completely different and foreign: an essay requiring them to solve a complex legal problem with multiple issues embedded in the problem. Thus, many professors and students have continually voiced concerns that the Socratic Method does not adequately prepare students for the examinations professors create, or the likely scenarios that they would experience in the day-to-day legal profession.

## B. Flipped Method

Given these weaknesses, law professors who are hoping to break away from the dreaded shackles of the Socratic Method are most likely wondering about alternatives to the Socratic Method. One of the newer learning methods is known as the Flipped Method.

The Flipped Classroom is more than a shift in pedagogical philosophy from the teacher as the provider of information to the teacher as a facilitator of self-directed or "active" learning. Pedagogy in which students gain their first exposure to the material prior to class is not new, even if it is sometimes presented as novel.[55] What is new, however, is

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[51] For example, the decision in *Taylor v. Caldell*, 122 Eng. Rep. 309 (K.B. 1863) actually states the rule of law in Latin! ("Accordingly, in the Civil law, such an exception is implied in every obligation of the class which they call *obligatio de certo corpore*. The rule is laid down in the Digest, lib. XLV., tit. 1, *de verborum obligationibus*, 1. 33. '*Si Stichus certo die dari promissus, ante diem moriatur: non tenetur promissor*.' The principle is more fully developed in 1.23. '*Si ex legati causa, aut ex stipulatû hominem certum mihi debeas: non aliter post mortem ejus tenearis mihi, quam si per te steterit, quominus vivo eo eum mihi dares: quod ita fit, si aut interpellatus non dedisti, aut occidisti eum.*'") Most students are simply not going to learn the rule of law from this case.

[52] For example, the decision in Citizens United v. Federal Election Commission, 558 U.S. 310 (2010), is over 180 pages long, including the syllabus and dissents. While this case is important to discuss, assigning it as reading prior to a Socratic dialogue will overwhelm most students.

[53] "Quimbee is a company hell-bent on one thing: helping you get an "A" in every course you take in law school, so you can graduate at the top of your class and get a high-paying law job. We're not just *a* study aid for law students; we're *the* study aid for law students." Quimby, About.

54 Debora L. Threedy & Aaron Dewald, Re-Conceptualizing Doctrinal Teaching: Blending Online Videos with In-Class Problem-Solving, 64 J. Legal Educ. 606, 607 (2015).

55 *See* Mystica M. Alexander, The Flipped Classroom: Engaging the Student in Active Learning, 35 Journal of Legal Education Studies 277-300 (2018).

the use of the internet to provide learning activities (videos, podcasts, quizzes, tests, discussion boards, peer-reviewed essays, etc.) outside of the classroom. As the term is used in this essay, the Flipped Classroom reflects both the shift in pedagogy to the teacher as facilitator of self-directed student learning and the use of internet technology to do so.[56]

Using the Flipped Method makes a bold assumption that students have achieved the first stages of learning through readings or videos before coming to class. In our experience, however, this often did not turn out to be the case, especially for struggling students who have lower class ranks and grade point averages. While upper-level students in Corporations class generally understood why they were asked to read rules and watch lectures about doctrinal law before coming to class, they did not pay sufficient attention to the out-of-class materials. First-year students fared even worse. Especially at the beginning of the first semester of 1L, many students do not how to read or understand legal rules. Perhaps due to "expert blind spot,"[57] professors may incorrectly assume that students will be able to successful complete out-of-class assignments.

Thus, the core weakness of the flipped classroom is that the tools to prepare for class are very passive instruments. Many students reported that as they were preparing for class by watching the videos, they were also multitasking with household chores, such as folding laundry or making dinner. This problem was exacerbated for students with day jobs, childcare obligations, and other "distractions." Students were not fully engaged in learning the out-of-class material. If the professor attempted to flip the classroom and engage in a meaningful discussion on a certain subject, the students were not always prepared to do so.

We initially sought to overcome this inherent weakness of flipping the classroom by creating more engaging out-of-class materials, as described in the "Videos" section

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[56] *See, e.g.*, Zhang Jinlei, Wang Ying and Zhang Baohui, *Introducing a New Teaching Model: Flipped Classroom*, 4 Journal of Distance Education (2012) ("A flipped classroom is a classroom that swaps the arrangement of knowledge imparting and knowledge internalization comparing to traditional classroom. In the flipped classroom, the roles of teachers and students have been changed and the class time should have a new plan. Information technology and activity learning construct an individuation and cooperative learning environment for learners to create new learning culture.").

[57] Expert blind spot is where teachers who have great subject matter expertise are less likely to understand students' actual knowledge development processes. Such teachers may assign higher-order learning activities based on faulty beliefs about student's knowledge base and cognitive ability. Expert blind spot is where teachers who have great subject matter expertise are less likely to understand students' actual knowledge development processes. Such teachers may assign higher-order learning activities based on faulty beliefs about student's knowledge base and cognitive ability. Mitchell J. Nathan, Kenneth R. Koedinger, and Martha W. Alibali, Expert Blind Spot: When Content Knowledge Eclipses Pedagogical Content Knowledge, PACT Center @ Carnegie Mellon University.

immediately below. But we quickly learned that we needed to pair the videos with active learning experiences as described further below. Students tended to skip even the most engaging videos and readings when presented with something more pressing. We set about developing a course structure that would encourage the out-of-class work so we could elevate the level of in-class discussion. The Hybrid Method arose from this goal.

## C. Hybrid Method

Given these issues, when we were tasked with creating an "online" Corporations class, we created a new style of learning that we herein describe as the Hybrid Method. The Hybrid Method seeks to optimize the blend of Socratic Method and Flipped Method in an online learning environment. To accomplish this, the Hybrid Method juxtaposes passive and active learning experiences. Passive learning including reading cases, watching videos, and taking notes in class. Active learning includes briefing cases, writing journal entries, and engaging in Socratic dialogue. Both passive and active learning occur in both the online and in-class or live "synchronous" (e.g., Zoom) environment. This makes transitioning between asynchronous, synchronous, and live class smoother and easier for students.

Connecting online and in-person learning experiences requires some specialized teaching materials. The next Part will discuss how to create "digital teaching assets" (videos, quizzes, threads, etc.) and how to deploy them strategically. This Part focuses on why these assets are worth creating.

Some digital assets like multiple choice quizzes are self-grading. This provides two benefits. First, students get instant feedback on their performance, even in a large class. This helps students self-assess how well they understand the material. Additionally, the testing effect means that students who take more formative assessments perform better on the summative assessment.[58] In other words, simply taking quizzes is valuable for learning. Second, by reading students' posts online and checking their completed assignments, instructors can better rely on the assumption that the students have a baseline knowledge before class begins. This provides new opportunities for "early detection" of at-risk students which can be combined with early intervention to help struggling students get the support they need to succeed. Additionally, professors can use live and in-person student interaction to get a qualitative "gut check" on whether a small quantitative sample of low performance merits faculty intervention.

Hybrid discussion board are another way to use technology-mediated learning to facilitate more meaningful class discussions. By having access to what students had

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[58] Mark A. McDaniel, Janis L. Anderson, Mary H. Berbish and Nova Morrisette, Testing the Testing Effect in the Classroom, 19 European Journal of Cognitive Psychology 494-513 (2007).

written outside of class, we were able to identify those students who had shown interest in a specific topic and engage them in a Socratic dialogue. In addition, we knew that these students would be comfortable discussing a particular topic because they had already written about the topic before class. Thus, because they had already shown a certain level of understanding, they were very effective in engaging in a Socratic discussion. We called this a "Targeted Socratic" approach. This became most helpful in promoting class discussions and encouraged the students who were leading the discussion to be more confident in their knowledge of Corporate law. This is distinctly different from the general Socratic Method of picking a student at random to lead a class discussion, where the professor is often as surprised as the students at how confusing a random dialogue can be.

A third feature of the Hybrid Method is that it allows for shorter or fewer class sessions. By moving much of the class work into an online forum, we were able to take advantage of the recent ABA rule changes which allow for a reduction of one-third of live class time.[59] Overall, students greatly appreciated this reduction in class time. Because this class is taught to a majority of evening section students, many work a full day in a downtown office, attend evening classes, and then return home and care for their children or loved ones. This class model of allowing students to work on a majority of class projects out of a live class setting certainly helped to reduce stress in their lives.

The remaining sections of this essay will show the reader the steps to build a flipped classroom as well as the challenges and successes that we came to encounter.

### III. Creating a Hybrid Class

The Hybrid Method requires, at a minimum, three things: (A) learning experiences that take place outside of class, and (B) formative assessment which evaluates and provides feedback regarding what was learned before class, and (C) an in-person class or other live (*e.g.*, synchronous online) experience where students are challenged to think critically. The combination of passive and active learning experiences out of class prepare the students to engage in both learning modalities in the classroom, too. The predominant out-of-class juxtaposition of learning experiences includes passive learning like reading cases and essays and watching video lectures and active learning like quizzes, essays, journal entries, video blogs, discussion boards, or even group projects.

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[59] "A distance education course is one in which students are separated from the faculty member or each other for more than one-third of the instruction…" American Bar Association Standard 306. Distance Education. Therefore, a course in which at least two-thirds of the instruction is in person is not a distance education course, so faculty are free to convert up to one-third of class time to asynchronous learning activities, so long as those activities involve "regular and substantive interaction among students and between the students and the faculty member" *Id.*

Most if not all faculty are already familiar with assigning out-of-class reading, so this Part will not address that. Most faculty are also familiar with writing quizzes and tests, and the are other ample resources on how to write effective multiple-choice questions,[60] essay tests,[61] and other formative and summative assessments. Instead, Subpart A will focus on creating videos for students to watch online "asynchronously" (on their own time).

As mentioned above, the Hybrid Method encourages juxtaposing passive learning activities like videos with online learning activities. We found that journals were a particularly effective learning activity to pair with video content. Subpart B briefly discusses how we encouraged students to activate their learning by journaling about their passive learning experiences.

We also learned that reading students journals and, to an even greater extent, their discussion board posts gave instructors useful and timely insights into students' ideas and interests. We were then able to focus questions and answers and even light Socratic dialogue on students who were prepared to share insightful comments. This make the Socratic experience more pleasant and productive not just for the student being examined but also for the rest of the class who watched in person and, later, online. Subpart C explains how we constructed discussion board questions that were more likely to elicit thoughtful student comments that translated to meaningful classroom dialogue.

## A. Videos

Pedagogically effective videos are not just text read aloud with images. There is an entire literature on balancing visual and auditory content with narration, graphics, and animations.[62] We cannot relate that entire literature in this brief Article. Rather, this Article will focus on what we learned from the literature and from experimentation with different video concepts as applied to law school courses.

When creating a hybrid class, it is essential to create crisp, short, and clear videos so that your students can retain the information that you want to convey. There is a fair amount of debate, however, as to what constitutes a "short" video. General online pedagogic theory would suggest 4-8 minute videos are ideal.[63] But law topics are not

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[60] *See* Susan M. Case and Beth E. Donahue, Developing High-Quality Multiple-Choice Questions for Assessment in Legal Education, 58 J. Legal Educ. 372 (2008).

[61] *E.g.*, Kenney F. Hegland, On Essay Exams, 56 Journal of Legal Education 140-148 (2006).

[62] Richard E. Mayer, e-Learning and the Science of Instruction at 120 (4th Ed. 2016) (

[63] *See* Pew Center, Video Length, available at https://www.journalism.org/2012/07/16/video-length/

always so easily simplified. We found for some topics that videos up to 20 minutes were effective. Shorter is generally better regarding videos.

Before delving right into the video making process, start off by taking a look at your class syllabus and the overall content of the class. From your past experiences teaching this class, which areas were challenging to explain, and which areas were easier to explain? Also, take a look at what you want to begin teaching on day one. What information do you think you would like to convey in the videos or discuss in class? Use these pedagogical reflections to create a framework for your slides and notes (together, your "Storyboard"). Once your Storyboards have been created, the next step is choosing how to record your videos. Generally, there are three popular options that you can choose from to record your videos: editing live class recordings, creating and editing new green screen recordings, and recording voice-over-PowerPoint videos.

### 1. Storyboarding

After consulting your initial class syllabus and determining what content you wish to start with, the next step in making a class video is to begin to Storyboard.[64] Storyboarding is concept adapted from film and digital media production, but we dramatically simplified it for our preparation of instructional videos. The simplest effective storyboard requires only that you break down your lesson into its elements or an outline form. For experienced professors who have taught a specific subject year after year, it is not necessary to prepare a detailed script like a movie, just a general outline will do. Once you begin recording your video and following the outline you have prepared, the words will come naturally.

If, however, you prefer more structure, we offer some tips on how to create a script. If you have recorded a class, there are many ways to generate a transcript from that recording. The simplest is using Artificial Intelligence solutions like YouTube,[65] Trint,[66]

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[64] For the importance of creating a Storyboard before developing a video, *see* Dan B. Goldman, Brian Curless, David Salesin, and Steven M. Seitz, Schematic Storyboard for Video Visualization and Editing, 24 ACM Transactions on Graphics 294-301 (2004); see also Khai N. Truong, Gillian R. Hayes, and Gregory D. Abowd, Storyboarding: An Empirical Determination of Best Practices and Effective Guidelines, Proceedings of the 6th Conference on Designing Interactive Systems 12-31( 2006). However, those articles discuss a much more sophisticated type of storyboard for professional video editing. We did not find much literature on simple text-based storyboarding for law school teaching videos, hence our desire to contribute to that literature with this article.

[65] *See* Thorin Klosowski, Use YouTube for Instant and Free Transcription, LifeHacker (Jan. 28, 2018).

[66] Trint, Automated Transcription Reimagined, available at https://trint.com/.

and Watson[67]. Alternatively, you can use a "Mechanical Turk"[68] hired through Amazon Web Services[69] or employ a research assistant to transcribe your videos.

If you record your video as a voice over power point, you might put the outline or script as the notes for each slide. If you record a green screen video, you might instead load your script onto teleprompter software.[70] Your recording format will to some extent dictate how you write your Storyboard, outline or script. But, regardless of the details of your Storyboard and its application, there are some general rules to keep in mind.

Empirical studies of e-Learning consistently show that lessons must be broken down into bite-size segments.[71] We developed a workflow that helped up "chuck" lessons efficiently. First, we edited transcripts down to equal 800-1000 words. Additionally, content was either deleted or cut and paste into the script for a new lesson. Second, we broke each transcript into at least four section and wrote section headers. We aimed to have between 100 and 200 words in each section. Once again, shorter is better. At a normal speaking pace, it will take you at most, 10 minutes to read this transcript. This is the maximum length for a generally effective video lesson.

On occasion, you might need to go longer, and that is okay. In our experience, adult learners who are highly motivated can absorb video information for up to 20 minutes. This requires, however, that you motivate your students effectively. In short, you will enjoy maximum impact if you produce more short videos than if you produce fewer long ones. That said, producing any videos at all is a huge benefit for student learning. You should almost always make a "long" video, rather than no video.

Despite this pressure to keep videos short, we found that providing learning outcomes at the beginning of each lesson helped students absorb the material efficiently. To paraphrase Tony Robbins, "you can't hit a target if you don't know what it is." Learning outcomes tells students what they should take away from the video. There are many strategies about how to write learning outcomes,[72] but the more important thing is to

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[67] IBM, Watson Speech to Text, available at https://www.ibm.com/cloud/watson-speech-to-text.

[68] Amazon, Mechanical Turk: How It Works, available at https://www.mturk.com/how-it-works.

[69] Amazon, AWS Free Tier, available at https://aws.amazon.com/free/free-tier/.

[70] For a list of teleprompter software options, see, e.g., 42 West, 7 Best Teleprompter Apps, Adorama.com (Dec. 24, 2018).

[71] For a discussion of the "segmenting principle," *see* Meyer at 203-210, *citing* Richard E. Meyer and Celeste Pilegard, Principles for Managing Essential Processing in Multimedia Learning: Segmenting, Pretraiting, and Modality Principles, The Cambridge Handbook of Multimedia Learning (2d ed., Ed. Richard E. Mayer, 2014).

[72] The literature on learning outcomes is vast. In addition to many scholarly articles, e.g., Declan Kennedy, Writing and Using Learning Outcomes: A Practical Guide (2006), there are great web resources at the University of Iowa Center for Teaching, the Rice University Center for Teaching Excellence, the Vanderbilt Center for Teaching, and many others centers for teaching excellence.

create a goal for each lesson, before you create the learning experience and formative assessment (e.g., the video and the quiz), and let the students know at the outset what they are expected to be able to do upon successful completion of the lesson.

You may find that the section headers you wrote in your script our outline readily translate into student learning outcomes. Alternatively, you can take a "top-down" approach by thinking about a "title" for each of the three to eight things you want students to know after watching the lecture. Again, strive toward three things and limit yourself to eight things to know per video lecture. Remember, short is better. In any event, do not exceed 20 minutes. Limit each video to three learning objectives, and make one video per learning objective for maximum impact.

### 2. Video Methods

This sub-section will discuss the three main options for recording videos: (a) editing previously recorded live classes, (b) recording videos over a green screen and editing them with post-production software, and (c) recording voice-over-PowerPoint videos.

### a. Editing Live Class Recordings

The first option is to record an entire class on a topic you were planning to cover and then edit the recording into smaller videos. For many law school professors, there is a good chance that many or all of your classes have been recorded in an effort to comply with the Americans with Disabilities Act.[73] Additionally, many of these recordings have likely been uploaded to a server to which your Informational Technology Department (IT) has access. If this option seems feasible to you, contact your IT department and ask for their assistance. They will likely be more than happy to help.

There are quite a few advantages in using this recording process. First off, there is no need to "reinvent the wheel" because you have already lectured on this content previously. This will likely decrease the need to produce Storyboards, which will help to save time. Additionally, once you complete the editing process, all that will be needed is to upload each video. Another advantage to this form of video creation is that the work can be frontloaded onto someone else. An IT department could easily train a teaching assistant or research assistant to edit each class video into shorter and crisper videos or the teaching assistant may already know how to edit video recordings. This advantage,

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[73] For more information on when closed captions are required by federal law, *see* National Association of the Deaf, *When Is Captioning Required?*, available at https://www.nad.org/resources/technology/captioning-for-access/when-is-captioning-required/; however, we recommend including captioning whether or not required by law, as this will make recordings more accessible for a wider range of students who may have a variety of needs.

however, is only applicable to teachers who are privileged to have access to talented teaching assistants.

A major disadvantage of editing live class recordings is that videos recorded in class may not have the proper cadence for a voice-over PowerPoint video. You may pause to respond to students in class, whose questions are not captured on audio. You may otherwise check in with the live audience in a way that is not clear or is weird to your video watchers. The audio or video quality maybe lacking in quality, depending on the technology in your classroom.

These issues, however, may be offset or at least diminished if you have years of recordings. Many professors who are looking to flip the classroom have taught the same course for many years. This may result in multiple recordings for the same topic. Given enough time, someone can go through all the videos to identify and edit the best ones for the new flipped audience. And as mentioned earlier, even if none of your videos are of suitable quality, you can still make a script from them, which can be used to facilitate future recording productions.

### b. Green Screen Recordings

The second type of recording method is the "green screen method." Here, the professor speaks from a podium in front of a green screen in a studio. This option is likely available for most law professors. Most universities already have an audio-visual department on site with their own studio and recording equipment available. If not, basic green-screen equipment can be purchased online for less than twenty dollars.[74]

There are significant advantages to using this method as well. First, the professor will have access to all of the audio-visual personnel on staff to help advise with the Storyboarding, recording, editing, and uploading of each video. Second, a professor can get creative with videos by incorporating images, backgrounds, and even music. For example, Themis Bar Preparation incorporates many images into their videos, in an effort to help students remember complex rules through mnemonic devices. This helps to simplify the process and may incorporate humor into what would otherwise be a dull and boring topic.

There are certainly weaknesses to this option as well. One weakness to this process is that it can be time consuming. Although a professor may have access to personnel, he

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[74] One author uses LYLYCTY Background 5x7ft Non-Woven Fabric Solid Color Green Screen Photo Backdrop Studio Photography Props LY063, by LYLY COUNTY, available at https://www.amazon.com/dp/B075V4HPL7/ref=cm_sw_em_r_mt_dp_U_APjREb35BN9Z9 ($13.88 as of May 1, 2020).

or she will still need to be there each step of the way to make sure that this is a finished high-quality product. Additionally, there can be some logistical concerns with this method of video recording. Some university's AV departments can be quite small and may only have one recording booth. Furthermore, other professors throughout the university may apply this same method of teaching in their classrooms, causing the studio to be booked. Moreover, a professor thinking that he could complete these videos in the summer may be limited due to reduced department hours during these months. Thus, before considering this method as an option you would like to use, schedule a meeting with the director of your audio-visual department to determine what types of resources they can provide in your video making process.

### 3. Voice-Over Recordings

The final method of video recording is the "PowerPoint" method.[75] Here, the professor would start by creating a PowerPoint presentation and recording themselves discussing the key concepts on each slide. Generally, the speaker would not be seen in the camera shot, although you can include the professor in a picture using a split screen option. The key advantage of this method is its simplicity. It allows the professor to take the prepared outline and incorporate it into PowerPoint slides. The glaring disadvantage to this approach is time. A professor will be essentially starting from scratch with each recording, versus taking previous class recordings and editing them into smaller videos.

Our student-author found PowerPoint recording to be the more useful method. The professor-author, however, realized that this would require more than 500 hours of additional work, above and beyond the 400-plus hours required to hybridize the course. Re-recording all the videos, therefore, was simply not possible over the three-month summer break. Moreover, the professor recognized that he could re-record new voice-over PowerPoint videos while teaching the course and thereby generate improved content for the next iteration. Here, we remember that perfection can be the enemy of progress. As described below, we found great success in hybridizing the course within one year, and we plan to continue improving the course with advanced video content in the coming terms.

In the split screen method, students tend to be more distracted by the background images the professor had on his wall, focusing less on the PowerPoint slides in front of him. Both the professor and the student found the green screen method to be distracting at best, except in introduction videos and short occasional segments.

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[75] Mac users can alternatively use Keynote to record voice-over slides.

Given time and budget constraints, the class recording method proved to be the only feasible option that produced videos of sufficient quality to satisfy both the student and the professor. Our experiences with this method are described below.

## 4. Why We Edited Existing Class Video Recordings

We chose to use the class recordings method. The professor was able to secure a faculty development grant from the university which helped to pay the teaching assistant a small stipend throughout the summer to edit and simplify each class video. The professor had been teaching and recording live-taught sessions of Corporations for many years, so the assistant had a variety of class recordings to choose from for each topic.

A key reason that we chose this method was the availability of videos that we had at our disposal. The professor had been in the practice of recording every class session for the past five years. In addition, he had already recorded hundreds of hours of videos in multi-stream format, which gave us the option to select between voice-over PowerPoint and Talking Head format for almost every video lesson. This provided us with extensive material with which to work. We did not need to re-create the wheel. There was no need for in-depth Storyboarding or extensive outlining because everything we needed was right at our fingertips.

This method did come with some issues, however. The first issue, as previously mentioned, was that it proved impossible to have every video under twenty minutes in length. We believed that some information we needed to convey to our students was too important to exclude. Thus, we attempted to compensate for this by reducing the length of other videos.

Another issue that we quickly discovered was that downloading each video was incredibly time consuming. From a basic home internet network, it took roughly thirty minutes to download each video that was ninety minutes in length. This may have been because the videos were not recorded for web use but rather archival use. However, this made the authors aware that the rural internet divide[76] could create further access to education issues if online course-builders do not take bandwidth limitations into account.

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[76] For explanation of the limitations of rural Americans to access broadband internet, see Robert LaRose, Jennifer L. Gregg, Sharon Stover, Joseph Straubhaar, and Serna Carpenter, Closing the Rural Broadband Gap: Promoting Adoption of the Internet in Rural America, 31 Telecommunications Policy 359-373 (2007). For indicia that the digital divide persists, see Rep. Sam Graves (R-MO), Bridging the Digital Divide for Rural Communities More Critical Than Ever, The Hill (May 1, 2020).

Once the videos were downloaded, however, free software included with Mac OS made the rest of the process relatively easy. The assistant-author would watch the entire video while taking notes as to which sections could be cut and which sections could become their own separate videos. This took time, obviously, since all the videos had to be watched in real time. But, as we were both Mac users, the included iMovie software made the task as straightforward as could be hoped for.

The second issue we experienced was the amount of storage each video would require. An un-edited Corporations video could be several gigabytes in size. Several times while working on projects, we would neglect to check the storage limit, which caused the computer to operate at a much slower speed, which hampered productivity. Eventually, we purchased high-speed external flash drives. This resolved the issue. Thus, it is important to remember that the editor should work on one project at a time and then upload that project to an external source and delete the raw unedited version.

### 5. Recording Software

We briefly wanted to discuss the importance of choosing the right recording device that suits your needs. Two free options that may be available to you are the recording devices in the Audio-Visual department and the recording system that records each class. Originally, the recording system that our University used was the "Panopto" system. This was a user-friendly system but was limited in its capabilities. As we began the editing process, our university switched to the "Media Site" platform which had many helpful features but also came with its own technical difficulties. Another popular recording device option for recording from your computer is "iMovie". Camtasia is another option that can be utilized on Mac and PC platforms. You may have to transfer videos to external hard drive or from an online server before editing your videos.

### 6. Editing Your Video

Once you have completed your Storyboarding process and recorded your video, the next step is to edit your recording. The first thing that you must do is import your video into editing software. Be patient. Depending on your internet connection, this process can take some time. We found that it was much faster and efficient to download and upload each video on campus due the fast network speed there. Our at-home network speeds could not keep pace. Notably, most of our videos had been edited through Apple iMovie and exported as .MP4 files, although there are many other types of editing tools and file formats that you can choose from.

Once uploaded to the editing software, we strongly recommend that you watch the entire video and look for areas that can be edited. In our experience, audio editing is both easier and more impactful than video editing. Listen carefully for sound content.

Can you hear every word in the video? Is there any background noise that could distract your viewer? Also, pay close attention to the speed at which you are talking. If you have not recorded yourself talking before, the process might seem strange and you might be a bit nervous. If you find yourself talking quickly in your initial videos, listen to the speed of your voice and try to slow down those videos in the next process. In addition to the speed of your voice, cut out any parts of the video in which you generate long pauses in an effort to reduce the length of the video.

For example, we reduced the amount of time of each video by eliminating long pauses the professor took or by eliminating questions and answers that were not relevant to the video. Again, a crisp and short video is one of the keys to having a successful flipped classroom experience.

### 7. Our Experience Editing Each Video

The assistant-author took the lead on editing the videos. First, he downloaded each one from the Duquesne server. This took roughly twenty minutes to complete if he was downloading each video via his home internet network. Next, he took the unedited video and placed it into an iMovie project folder. From this folder, he edited each video for sound and picture quality. He could adjust the brightness of the video as well, if needed. Next, he watched the video in its unedited entirety to determine which parts could be broken down into smaller videos. This could be difficult depending on whether the professor had included a policy discussion or a question and answer segment into each topic. He quickly discovered many of the questions and answers provided by students were difficult to hear due to the microphone system in the classroom.[77] Consequently, he eliminated some of these segments to reduce time.

Additionally, once he had identified which portions of this unedited video could become separate, smaller videos, he began the process of "splicing" or cutting the presentations at certain points. Generally, he waited until the professor would use transition words indicating that he was preparing to move into another section. At this point, he spliced the video. He repeated the process until this larger video was spliced into four to five smaller segments. Some videos, however, could not be broken into smaller parts, because of the topic's complexity.

Once he completed this cutting process, he downloaded each edited video to his desktop screen and created a separate folder in iMovie. Then, he watched each edited version again to confirm that this was the content the professor wished to convey to the

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[77] Our classroom microphone system consisted of a single 180° capture USB mic that was tethered to the podium computer.

students. After watching each video again, he added roughly five to ten seconds of an initial title screen to show the viewers the topic of the lecture.

After finally editing the video, he titled the lecture to correspond with the outline that we created. We found that given the exorbitant number of videos that we needed to produce, it was critical that each video be clearly titled using a sophistical outline numbering system. Otherwise, it would be very difficult to find the exact video we were seeking.

We recommend that before a professor and/or teaching assistant attempts to embark on this editing process, they watch a few YouTube videos to understand all of the tools that are at their disposal. One excellent video is titled "iMovie for Mac - Full Tutorial" by David Cox.[78] This video provides a step-by-step analysis of the editing process for iMovie. There are many others as well.

### 8. Uploading Your Videos

Once you have completed your editing process, the next step is uploading your videos to a platform where your students will have access to their content. The supported platform that our institution uses is called Blackboard.[79] On Blackboard, professors and their teaching assistants can build online learning modules, which their students can then access.

There are many advantages to using a platform such as this. One advantage is the tools that the platform provides for students. They can easily access the class syllabus, professor and teaching assistant contact information, technical support email, individual student grades, weekly announcements, group projects, and course materials. Another advantage is the online technical assistance that the students can receive directly from the Blackboard company if there is an operating issue.

Originally, we uploaded each edited video to our course Blackboard page and included them in weekly folders. Then we recognized two issues that made this impracticable. First, it would take more than an hour to download each video regardless of its size. This occurred regardless of whether we uploaded from our at-home networks or via on-campus high-speed Ethernet connections. We assume this is a problem with Blackboard itself.

Second, the videos could not be viewed by multiple students at once. In one section with more than 50 students, the videos would freeze and stall each evening, when most

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[78] https://www.youtube.com/watch?v=Fc6H881T0_k&feature=youtu.be
[79] Canvas is better than Blackboard.

of the students logged in. In addition, Blackboard did not do anything to make the videos easy to access or catalogue. In fact, moving videos (or any content for that matter) around on Blackboard is a nightmare. We feel the Blackboard learning platform was inadequate for a modern hybrid classroom environment.

Because of this issue, we decided to upload each video to Professor Oranburg's YouTube channel,[80] which took a minimal amount of effort and time. In addition to being easy to use, fast, and consistent, YouTube automatically generated closed captioning for each video uploaded. This helped us to comply with ADA requirements at no additional cost. Moreover, this platform helped Professor Oranburg in his mission to educate anyone interested in gaining legal knowledge, regardless of their ability to pay for an institutional education. In short, we were very satisfied with using YouTube, but professors who are more concerned with maintaining proprietary rights to their intellectual property should consult YouTube's Terms of Service for more information before using it to upload content.

Next, we provided a link for each video in a weekly folder on Blackboard, which would take the student to our YouTube page. Blackboard makes it easy to link videos in this way, which Blackboard refers to as a "mashup." That way, each student would have access to these videos. Once we switched to hosting the videos on YouTube, no student, to our knowledge, has reported any problems in accessing the edited videos. Several of Professor Oranburg's YouTube videos have been viewed for free over ten thousand times each by people from all over the world.[81] We feel that this supports our mission of providing access to legal education.

### 9. Outlining the Video

While your students are listening to the video, it may be helpful to have a barebones outline available via a course site or other website to which students have access. Many commercial bar courses implement this strategy, which helps the listener of the video to remain engaged, as well as focus on the key concepts of each video. Themis, a bar preparation course, includes a fillable outline with each set of course videos. The outline requires students to listen carefully and fill in important key concepts in the outline, which have not been included in an effort to keep students' attention.

Because of the limited time we had to create the necessary videos for this class, we were unable to provide an outline for each video. It is something that we may consider in the future. We did, however, provide "skeleton case briefs." which create a framework for students when watching the videos that focus on corporate cases. This type of case

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[80] Seth Oranburg – YouTube, www.youtube.com › channel.
[81] YouTube Analytics, as of May 1, 2020.

brief asks for the case citation, a list of the parties, other entities, the procedural posture of the case, the issue, the holding, the relevant case facts, case analysis, whether judgment was found in favor of the plaintiff or the defendant, and the conclusion of the case.

In addition, we added a slide titled "Learning Objectives" and "Conclusions" to every voice-over PowerPoint video, and we duplicated that information in the weekly folders. As described above, Learning Objectives are statements about what a student will be able to do upon completing the lesson. Conclusions are brief responses regarding how to complete the Learning Objectives. This helped students understand what they were supposed to glean from the videos.

Additionally, each weekly folder included an outline of the key terms found in each chapter of the book and some analysis of the major cases in that book. Our thinking was that we did not want the students in this class to be overwhelmed by the videos, quizzes, reflective journals, and graded essays. Additionally, we believed that these outlines would be helpful starting points for the student's own individual Corporations course outlines.

### B. Technology-Mediated Learning Activities

After uploading each video to the respective learning platform, it was important to create a self-assessment tool for each video. This helped to reinforce the key content that the student learned from the video. What we attempted to do is to immediately translate passive learning into active learning. Passive learning is accomplished via listening, whether that be to a professor's Socratic dialogue with another student, or to a YouTube video. Active listening involves note taking, commenting, and engaging in dialogue.

One option a professor can create is a quiz, which should be completed immediately following the video. Depending on the length and content of the video, we keep quizzes between five and ten questions. We provide students with answers to each question upon completion of the quiz, which students have found to be very helpful. If a student has a question about one of the quiz questions or answers, they may email either of us or bring the question to class. The results of the quiz did not count against a student's grade. The completion of each quiz by the specified due date in the syllabus would increase a student's participation grade. We found that students would take the completion of these quizzes seriously upon learning that it affected their participation points.

Reflection journals are a self-assessment tool that is much more convenient for students to write and instructors to read online. While most faculty are probably already familiar with writing quizzes and test, law professors may be less familiar with assigning

journaling tasks, so we will share a few insights on how journaling worked in our Corporations hybrid class. Generally, journaling tasks would be found assigned after reading a key corporate case. Many times, the question would ask whether the student agreed with the court's reasoning and why, or whether the plaintiff or the defendants had a better argument and why. Other times, the self-reflection essay would ask a general policy question with regard to a general topic such as shareholder rights or corporate social responsibility. This gave students a chance to improve their writing skills and discuss a topic on which they may have strong views without their writing or viewpoint being scrutinized by peers.

For first-year classes in particular, a task akin to a prompt to write a journal entry is a guided case brief. The faculty author created a case brief template (attached hereto as <u>Attachment A</u>), which he distributes to students at the beginning of the term and in conjunction with major cases. Students can earn points by uploading a filled-in version of the case brief. This encourages students to brief cases, and it also provides them with a library of their own work when they have completed the course. This case brief templates provides space for the case citation, a list of the parties, other entities, the procedural posture of the case, issue, holding, relevant case facts, case analysis, whether judgment was found in favor of the plaintiff or the defendant, and the conclusion of the case. The goal of this self-assessment assignment was to gauge whether the students grasped the key concepts of this important case. It also trained them in the important law school skill of briefing cases thoroughly. Students would only be deducted participation points on this assignment if they did not provide a satisfactory response or if they did not complete the project by its due date. If Professor Oranburg found that students had missed a key point of the briefing assignment, he would cover this case again when the class met for their live in-class session.

### C. Discussion Boards and Targeted Socratic Dialogue

One of the most surprising, yet beneficial, outcomes of instituting this hybrid Corporations class was the success in utilizing discussion boards. Generally, discussion boards can be created through the online platform that the professor is using and allow students to express their thoughts on particular class material. During our first use with these discussion boards we decided to have all 50 students in the class participate discussing a general prompt. This initial attempt in creating an effective discussion board turned out to be not what we had hoped for. Some students found it very difficult to post something unique and different because other students had already written something similar to the answer that they wanted to write. We also found that it was very difficult to grade the answers to the discussion board because they all seemed similar and bland.

Our second attempt at crafting a unique discussion board question was much more successful and was one of the many highlights of the semester. When creating our second discussion board we decided that it was important to give each student their own unique platform, so their ideas could be seen by every student in the class. To do this, we decided to choose the policy topic of social responsibility. Generally, we found that policy topics are an excellent choice for discussion boards because they allow students to express themselves on a topic related to current events. They also allow the students to delve deeply into a topic, so that they become an expert with regard to that particular issue.

Further, we decided that another issue in the first discussion board assignment was that the group contained too many students. Thus, for our second discussion board, we divided the class of 50 students into five, ten-person groups and gave each student their own specific prompt. The instructions required each student to conduct their own research on the subject assigned to them. This process allowed students the opportunity to understand the concepts that they were assigned to research and in turn, allowed them to become knowledgeable on the subject, giving them something to contribute to the class discussion.

Moreover, if a particular student wrote something insightful, the professor would make a note of it. If a student was perceived by the professor as anxious about being called upon, the professor would send the student an email, asking for permission to call on the student in class. This process gave the student time to prepare as well as providing notice about being called upon. Once the student presented what had been learned on a given topic, other students in the class would then ask the presenting student questions because they too wanted to be engaged and were curious about the topic. We found that this method of presentation eliminated any general nervousness for students and helped to promote excellent in-class discussions.

## IV. Conclusions

Overall, we were quite satisfied with the results of the Hybrid Corporations Class. While the initial process of creating the class was time intensive, it will certainly pay off for present and future students of this class. We believe that this hybrid class has already created substantive group discussions during our live sessions. Students appear engaged and eager to discuss what they have learned from the online materials and assignments. Furthermore, we hope that this paper will encourage other law professors to consider modifying their current in-class teaching model to a hybrid class model of teaching. If a professor has considered switching to a hybrid class model, we hope that they will use this paper as a guide in order to do so. As students and society demand

new and effective learning methods, higher institutions of learning should be at the forefront of implementing these methods.

Developing this technique might serve to help those professors who have taught live classes their entire careers. For example, with the onset of the current Corona Virus pandemic, educational institutions are asking instructors to make immediate changes to accommodate online learning. This paper might serve as a guideline to transition into just such a format. Additional resources on this topic have also been written by Professor Oranburg.[82]

[82] Seth Oranburg, Distance Education in the Time of Coronavirus: Quick and Easy Strategies for Professors (March 13, 2020). Duquesne University School of Law Research Paper No. 2020-02. Available at SSRN: https://ssrn.com/abstract=3553911.

**Attachment A**

**<u>Case Brief Template</u>**

# CASE BRIEF TEMPLATE

Citation:

Parties:                π                    v.                    Δ

◯Appellant  ◯Appellee          ◯Appellant  ◯Appellee

Other Entities:

Procedural Posture:                                      ☑ On Appeal

Issue:
Whether...

Holding:
[Yes/No]...

Rules:

Facts:

Application:

Conclusion:                                    Judgment for  ◯π  ◯Δ

RESET

Case Brief Template Instructions

CITATION:

- Identify key details about the case and how to find it
- *Case name, reporter location, court, and opinion date*
- *Sometimes the reporter location implies the court*

PARTIES:

- Identify all the parties on both sides of the "v."
- There may be multiple plaintiffs (π) and/or multiple defendants (Δ)
- If the case is on appeal, determine whether the appellant and appellee are π/Δ

OTHER ENTITIES:

- Identify other relevant people, businesses, government agencies, etc. who are not parties to this case but who are important to understand the determinative facts

PROCEDURAL POSTURE:

- Describe the litigation event on which this court is ruling
- *Most law school cases are "on appeal" from a lower court's decision – specify what that decision regarded (e.g., "on appeal from trial court's granting of a motion to dismiss").*

ISSUE:

- Describe the dispute that the court must decide, usually phrased as a question *("Whether…")*

HOLDING:

- Determine what the court decided, generally a yes/no answer to the issue

RULES:

- Extract and infer the principles that the court uses to enforce each holding
- *Rules can be directly stated or merely implied by courts*

FACTS:

- Distill the determinative facts that make a difference to the outcome of the case
- *Facts are used to analogize or distinguish cases from each other*

APPLICATION:

- Summarize the court's logical steps in applying the facts to the rules

CONCLUSION:

- Explain whether relief was granted or denied, to whom, in whole or in part, and why.