

As with any teaching method, the document-based approach to teaching Contracts has strengths and weaknesses. The ideal solution is to adopt a team approach among teachers who have the same students. For example, a Torts or Property teacher who prefers some variation of the Socratic method could be teamed with a Contracts teacher who uses the document-based approach. Students would then be exposed to more than one way of learning and thinking, and they would have more opportunities to internalise skills than they would get from repetition of the same approach in every class.

Most students find the document-based problem approach to contract doctrine more challenging, yet more rewarding, than traditional approaches. First, they understand they are engaging in the same types of tasks real lawyers engage in. Second, because the doctrine originated in the context of real contracts, students can more easily understand it.

TECHNOLOGY

Legal education in the digital age

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According to some legal educators, virtual law school classes will replace traditional physical law school classes within the next few years. Thousands of students across the country will simultaneously view lectures and multimedia presentations over the Internet, and may have an opportunity to ask questions of the speaker at the end of the lecture or through online discussion forums. Those large classes may be supplemented by smaller, skills-based classes that are taught in a more traditional (physical) format, but which may be taught by practitioners instead of traditional law school faculty.

The reports of the demise of traditional law school teaching methods have been greatly exaggerated, however. Historically, reforms in legal education have moved glacially. Over the last few decades, technology has assumed a greater role in legal

education. Despite the rosy predictions of virtual law school proponents, however, the integration of technology into legal education has proceeded quite slowly. The most visible and prolific integration of technology into legal education has been in the area of computer-assisted legal research (CALR). Minnesota and Harvard Law Schools created the Centre for Computer-Assisted Legal Instruction (CALI) to facilitate the creation and use of computer-assisted legal instruction exercises. Today, almost all US law schools are members of CALI.

In the law few years, technology has begun to play a more central role in legal education. Increasingly, faculty use computers to illustrate material in class through Microsoft PowerPoint presentations, to provide syllabi and course materials to students over the Internet, to communicate with students and to allow students to communicate with each other through e-mail and electronic discussion lists, and to invite guests to participate virtually in classes.

Today, technology is used in law schools primarily to enhance the traditional method of teaching classes to a limited number of students in a specific place at a specific time, otherwise known as time-dependent/place-dependent classes. Many faculty enhance their traditional classes with PowerPoint presentations that display or outline critical material from cases, statutes or other administrative materials or hypotheticals. Many faculty also require students to complete computer-assisted legal instruction (CALI) exercises outside of class time. Faculty can also incorporate interactive tutorials and multimedia elements into electronic casebooks. Although faculty and students have been reluctant to adopt electronic casebooks, many students are bringing laptops into the classroom to save briefs and outlines and to take notes.

In the 'extended classroom' model forecast by some academics, traditional law school classes may be replaced in the future by time-dependent/place-independent classes. In this approach, classes are taught at a specific time from one

location but students participate in the class from several different locations. Several law schools in a state or region could pool their resources to create mini-consortia. Alternatively, practising lawyers or corporations might establish for-profit law schools if courses could be taught through the extended classroom method.

In a classroom-free future, thousands of students might attend a new nationwide virtual school of law. Alternatively, state-wide or regional virtual law schools may be established. While each of these scenarios is possible, it is more likely that in the immediate future law schools will offer a limited number of courses in the classroom-free format, and continue to offer most courses in the traditional time-dependent/place-dependent format.

Regardless of whether law schools of the twenty-first century continue to use the traditional time-dependent/place-dependent teaching format or adopt the extended classroom or classroom-free format, technology will play a central role in legal education. Law schools must, and will, increase the use of technology in teaching for several reasons.

First, technology is becoming increasingly central to the practice of law and law schools have an obligation to train students to use technology. More importantly, students learn in a variety of different ways and technology can play a role in educating students with different learning styles, especially if technology is used to enhance, rather than replace, the traditional time-dependent/place-dependent classroom format. Another advantage of many of the technological tools used to enhance traditional classroom teaching is that the tools are student-centred. Finally, technological enhancements to traditional classes are beneficial because they increase students' access to information and provide students and faculty with quicker feedback regarding student comprehension.

The clearest benefit provided by a shift to an extended classroom or a classroom-free model of teaching is not pedagogical but economic. Faculty salaries are

perhaps the greatest expense in most law school budgets. If a law school is able to use faculty at other schools in a consortium to offer some courses in an extended classroom format, or if a school is able to offer classroom-free courses, it can reach greater numbers of students with fewer faculty members. The cost of educating each student could decrease dramatically.

Extended classroom or classroom-free programs provide some non-economic benefits as well. First, students may have access to faculty expertise through extended classroom courses or classroom-free courses that might not be available in traditional time-dependent/place-dependent courses. Extended classrooms and classroom-free programs can also increase diversity in legal education. The lower cost of such programs could make legal education affordable to many students who could not attend law school in the past.

While technology can provide many benefits when it is used to enhance or replace the traditional time-dependent/place-dependent method of teaching, it also has important limitations. First, it is unclear that law schools can teach legal skills through a time-independent/place-independent model of video or Web lectures to mass audiences, coupled with electronic discussion groups. Skills training is significantly more expensive than other courses. New technologies can and should be incorporated into skills instruction courses wherever possible to keep costs down. It is unlikely, however, that skills courses can be taught in a completely classroom-free manner though computerised simulations or an online course.

It may be difficult to teach professionalism and values through virtual classes or computerised simulations. In the intimacy of a physical classroom, through personal interactions, or in a clinical setting, faculty can act as models of professionalism and values for students. It is far less likely that this will happen in a classroom-free world.

In a classroom-free world, faculty cannot use various teaching techniques that are integral to training students to be lawyers. It is impossible to replicate the Socratic method in a classroom-free world. The classroom-free teaching model also reduces opportunities for group learning, active learning and contextual learning. Similarly, to the extent that classroom-free teaching focuses on delivery of lectures over the Internet, there will be few opportunities for active learning. It is important to use a variety of different teaching methods in law school because students learn in different ways. In view of these numerous shortcomings, classroom-free teaching is unlikely to replace traditional time-dependent/place-dependent teaching in law schools in the near future.

The accreditation standards provide the greatest institutional impediment to expanding the use of technology in legal education. Accreditation standards carry great weight because institutions that do not comply with the standards risk losing their accreditation.

While some reformers envision a fundamental transformation of legal education, most of the faculty that have used classroom-free or extended classroom teaching methods and most supporters of distance learning agree that those methods will, and should, only supplement rather than replace traditional time-dependent/place-dependent teaching methods for the foreseeable future. However, even modest technological enhancements of traditional time-dependent/place-dependent teaching methods raise some issues for law schools and faculty. First and foremost, implementation of new technologies in teaching may be quite expensive for the school and for students. In addition, implementation and use of new technologies can increase time commitments for faculty and for students. As faculty make more information and instructional tools available to students, students may face information overload. Technological limits may reduce the effectiveness of new tools. Finally, reliance on new technologies may disadvantage 'technologically-challenged' students.

Classroom-free and extended classroom teaching will likely play a modest role in most J.D. programs in the immediate future. Schools will probably offer a small percentage of their courses in a classroom-free or extended classroom format, but will limit the number of credits that students can take in that format. Since most first-year courses rely heavily on the Socratic method to teach students to read and analyse cases critically, law schools will probably continue to offer most of the first-year courses in the traditional time-dependent/place-dependent manner. Similarly, since it is difficult to teach practical skills in a classroom-free or extended classroom format, skills courses will continue to be offered in a traditional time-dependent/place-dependent manner. Most of the courses that will be offered in a classroom-free or extended classroom format will focus on specialised areas of law.

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