

Will the COVID-19 Experience Forever Alter the Educational Experience for Law Students?

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Since the COVID-19 outbreak in the United States, the vast majority of US law schools have suspended in-person classes and moved to on-line classes in an effort to slow the spread of the virus. Law professors have been experimenting with on-line classes via zoom or skype to make law school available to students who are practicing social distancing or under stay-at-home orders during this emergency period. This temporary move to on-line classes has provided important insights into the advantages and disadvantages of on-line legal education programs and how these programs stack up against traditional in-person, bricks and mortar learning.

One of the main advantages of on-line legal education is that it increases accessibility by making law school available for students who live in rural areas or who cannot leave work or family to commute to law school. There are far fewer law schools in the United States than there are undergraduate colleges and universities. Thus, law students are more likely to travel longer distances to attend law school. The University of Wyoming, for example, is the only law school in the State of Wyoming and one of only three law schools located in the Denver Front Range region. Moreover, the median age of students ranges from 25 to 27 at most law schools, and, therefore, students often have families in tow or jobs that limit their geographic flexibility to attend law school in person.

The second advantage of on-line legal education is that taking classes can be done anytime and anywhere. Synchronous (live) classes can be done anywhere, as long as there is a zoom link and WiFi, and asynchronous (pre-recorded) classes can be done anytime. The University of Dayton Law School, for example, is one of four ABA-accredited schools currently operating under an ABA variance to provide an on-line JD program through synchronous and asynchronous on-line classes. Of course, this diminishes the traditional role of the Socratic Method in a live classroom setting where cold-calling on students in front of their peers is an art form. What would Frank Trelease think of a classroom environment where the professor couldn't slam a ruler on the table or toss an erasure across the room to grab a student's attention. Advocates of on-line learning are quick to point out that the major flaw in the Socratic Method of teaching is that only one student at a time can be engaged, whereas in asynchronous on-line classes every student is actively engaged all the time. They believe that the coronavirus crisis

will forever transform American legal education, putting an end to the Socratic Method in law school and replacing it with synchronous and asynchronous on-line instruction.

Critics of the recent move to on-line learning in law schools, however, assert that in-person classroom instruction is here to stay because of three reasons. First, legal training for certain core courses cannot be effectively taught on-line. Courses such as evidence, pre-trial and trial advocacy, legal writing and contract drafting, alternative dispute resolution, and legal clinics (where students represent clients in real world cases) require an in-person setting for effective teaching and learning. In trial advocacy class, students cannot learn to work a courtroom unless they are in the courtroom. In addition to core courses, other law school activities such as moot court competitions, job interviews and externships must be done in an in-person setting, thus requiring law students to be physically present during the term.

The second reason that favors maintaining a traditional, in-person structure in law school is to encourage students to participate in educational and social networking activities beyond the classroom, such as conferences, meet-and-greets, guest lectures, and other events. The evidence shows that students who attend law school classes in-person on a regular basis are more likely to hang around and participate in activities and events outside the classroom. This fall, US Supreme Court Justice Neil Gorsuch is planning to visit the University of Wyoming College of Law to speak to the students and the community. Is there any doubt that the consumption benefit to students (and the University) will be greater by having Justice Gorsuch meet with them in person as opposed to simply having him give an on-line talk to hundreds of digital faces? A proper legal education is not just what you learn in the classroom, but what you experience firsthand in a physical environment, taking full advantage of the extracurricular opportunities that cannot be accessed on-line.

Finally, an important reason why the in-person classroom experience is here to stay is that the ABA limits the number of on-line courses law students can take in order to graduate from law school. Under the ABA rules, no more than a third of a law student's credits may be earned via distance education classes, and first-year law students may take a maximum of 10 credits on-line. A class counts as distance education if more than a third of the instruction is delivered on-line. Thus, all UW law courses that transitioned to an on-line format this past spring are considered distance education. Thus, an important question that needs to be answered

is whether the shift to on-line classes this past semester will limit the ability of law students to take more on-line credits down the road after the emergency period has passed. At this point, the only option for law school administrators to offer on-line classes in the fall 2020 semester is to request a variance from the ABA's 1/3 on-line course credit rule.

The verdict is still out on whether the COVID-19 experience will forever alter the educational experience for law students in the future. The shift to on-line classes this past spring gave us a glimpse of what a transformed legal educational environment might look like in a digital world, but it is unlikely that law schools will adopt this model permanently. The most law schools can hope for is to incorporate the use of technology into the existing program of learning, but not make it the centerpiece. Thus, for now, Socrates and his method of teaching will likely live on!