

9-28-2020

Colloquium : The Opportunities of Distance Teaching

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COLLOQUIUM

THE OPPORTUNITIES OF DISTANCE TEACHING

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Keywords: remote teaching, distance learning, e-learning, COVID-19, teaching methods.

In the spring 2020, as most of the world was in lockdown mode due to the sanitary crisis caused by the COVID-19 pandemic, the *Journal of Civil Law Studies* decided to hold a colloquium online to discuss the Opportunities of Distance Teaching. Agustín Parise, Associate Editor-in-Chief, led the initiative and coordinated the event from Maastricht University (the Netherlands), in liaison with Olivier Moréteau, Editor-in-Chief, who was at the time in sabbatical in Lyon (France). Five colleagues were invited to join to speak at the

colloquium, so that Africa, North and South America, Asia, and Europe would be represented. Accordingly, Xiangshun Ding (Renmin University, China), Nadia Nedzel (Southern University Law Center, U.S.A.), Christa Rautenbach (North-West University, South Africa), Michel Séjean (University of Southern Brittany, France), and Fernando Toller (Austral University, Argentina), each shared their own perspectives on the current scenario that legal education is facing. The two-hour colloquium was free and open to the public, and took place via Zoom on May 14, 2020, with attendees from different parts of the world.

It was afterwards agreed that each participant would share a note of *circa* 1,000 words, giving a summary of thoughts and comments about the experience of teaching law students remotely, without much preparation if any, in a variety of contexts such as: size of university and classes, location, and socio-economic context. These notes are published in this journal as one set in the alphabetic order of their authors' names, at a time when law schools worldwide keep readjusting their course offerings with a substantial amount of distance learning to face the aftermath of a long-term crisis.

Readers are hereby invited to reflect upon the experiences that were shared during the colloquium and that now find a forum in this journal. A new learning environment is currently being experienced by students and professors. Distance teaching offers challenges, yet these are outweighed by the numerous opportunities that are out there and that should be embraced. The notes that follow are only a sample of the many paths that actors can follow when engaging in legal education across the globe in this new learning environment.

O.M. & A.P.

TEACHING COMPARATIVE LAW COURSES IN CHINA VIRTUALLY

Xiangshun Ding*

No one at Renmin University expected to stay away from campus for an uncertain period of time when heading home for a long winter vacation in mid-January 2020. I heard that the city of Wuhan had been locked down on January 20 to prevent COVID-19 from spreading. At the time, I was on a leisure tour in southern China to celebrate the Spring Festival. But even under such unprecedented circumstances, I still could not have predicted how serious the aftermath of coronavirus would be, among which the university was not able to open the campus on February 17 as scheduled.

During the spring semester, I taught two courses: one scheduled for the first eight weeks of the semester and the other scheduled for the last eight weeks of the semester, both were joint teaching seminars for master students from the department of comparative law. Each course met eight times for three hours.

In the class of *Comparative Law on Selected Issues*, which aims to improve students' analysis skills on selected issues from a comparative perspective, there were 11 students registered, including one who is a Chinese exchange student studying in France. Given the unexpected pandemic circumstance, I selected two legal topics. One is hate speech resulting from the COVID-19 pandemic and the other is the jurisdiction issue over cruise ships affected by coronavirus, which all relate to combatting the global pandemic in different countries. I hoped students would sharpen their minds and legal

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knowledge on heated topics from the changing and challenging global visions. I prepared all reading materials related to the above issues in English while Chinese was the language spoken in class. Each student was required to make a presentation after reading the materials assigned; the other members and I gave feedback on their performance. Some points were highlighted and discussed based on the perspective of international and comparative law. In the end, I assigned essay writing work on the topic relating to how to handle the issue of hate speech in different countries as the final arrangement. Generally, this course went on smoothly without obstacles except there was less interaction compared to a regular in-person class. As most students preferred to keep their camera off during the online virtual class video session, I could not check the reactions and performances of the students, which reduced instant interaction and communication.

Therefore, I decided to make some adjustments to the seminar of *Comparative Law on Foreign Judicial System*, which was co-taught with Professor Michael Paul who is a full-time U.S. professor at Renmin Law School. The course was taught in English focusing on the legal systems in common law countries and Northeast Asian countries. The content lectured by Professor Paul was fundamental jurisprudence and adjudicative techniques in the United States such as the basic principles of rule of law, separation of powers, precedent, judicial review, etc. Nevertheless, my focus was on judicial systems in Japan and South Korea. The reading materials were in English, meanwhile, resources in Hangul and Japanese were also introduced to students. To promote interaction during class time, I instructed all the students to turn on their camera mandatorily. I also intentionally distributed the latest cases as teaching materials. In the Japanese judicial system part, the profile case of Carlos Ghosn's escape from Japanese criminal injustice was used for discussion. Carlos Ghosn a successful businessman who served as the Nissan chairman and CEO of Renault-Nissan-Mitsubishi in Japan, was arrested

and charged by Japanese prosecutors at the end of 2018 for allegations of misappropriating company funds, but later while out on bail he successfully fled from Japan to Lebanon and claimed that he fled from injustice as he was suppressed by the Japanese criminal procedure. The Carlos Ghosn case provides a contemporary example to demonstrate the merits and demerits of the Japanese judicial system for comparative law study. By discussing the case, students are also able to better understand the relationship between international law and domestic law and how international relationship influences national judicial practice.

Teaching virtually eliminated the chance of in-person face-to-face discussions between the instructor and the student; while it is also fostering accessibility to teaching resources remotely. For example, we invited a senior official in charge of policing policy to lecture on the practice of Japanese criminal justice. In this class, I also explained the judicial system in the Republic of Korea by discussing the recent cases with regard to historical issues with Japan adjudicated by the Constitutional Court of Korea. From this, students may understand how decisions of the domestic court in Korea affect the diplomatic relationship with Japan and vice versa. As I am developing this note, this class is still going on. As part of the final examination, I will evenly divide students into two groups and assign each group to act as lawyers representing the positions of Carlos Ghosn and the Japanese government, respectively. Improving the pedagogy of this comparative law course by having students discuss the latest cases in different countries has led to the dramatic improvement of virtual class learning.

For me, this is not the first-time classes were suspended due to a pandemic. Compared to the situation of SARS in 2003 when campuses were closed without continuity of class, the campus during the COVID-19 pandemic has been accessible to students by teaching virtual classes. Especially for the comparative law courses at Renmin University, which aim at training students with bilingual or

trilingual legal skills, virtual teaching connects students and instructors at every corner in the world and also extends teaching opportunities worldwide. If we define this as an opportunity to strengthen international and comparative legal education, I think it has been an unexpected benefit we receive from the crisis of the COVID-19 pandemic.

A TWENTY-YEAR PERSPECTIVE ON E-LEARNING: REMOTE CAN MEAN CLOSER

Olivier Moréteau*

In the early fall of 2000, as I was visiting from Lyon to teach my annual Introduction to Civil Law course at Boston University, Professor Jacques Vanderlinden called me from the *Université de Moncton*, New-Brunswick, Canada, inviting me and my alma mater, *Université Jean Moulin Lyon 3*, to join forces in creating an online program to teach the common law in French. The target was the University of the South Pacific. The university educates Vanuatu lawyers who are called to practice in a jurisdiction where one third of the population speaks French, but they only have access to legal education in English. A few months later, a consortium was created, which also included the *Université Paris 12*, with the support of the Lyon Bar Association. The project became *Campus numérique Multidroit*, one of the very few pilot *Campus numériques français* funded by the French Government.¹

Six course modules were taught in an entirely asynchronous manner, as students were spread out on all continents, in multiple time zones. The *Université de Moncton* hosted the course platform.

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1. Catherine Rollot, *Mon campus du bout du monde*, LE MONDE, Apr. 3, 2002, <https://perma.cc/77JZ-J2Y2>.

Pre-recorded lectures were ruled out, as we wanted to move away from the traditional European format. For each weekly module, the student had a one-page screen explaining the content and the learning objectives of that unit. Four set of questions followed, broken down into a number of sub-questions. Hyperlinks led to texts: case excerpts, legislation, or doctrine. Students sent their answers to the instructor, who delivered individual and collective feedback. Assessment was continuous in part, with the addition of a mid-term and a final exam. I developed the material for one course and a half and had the experience of teaching those during several years, until the program was terminated, as a sequel of my move to Louisiana.

The COVID-19 outbreak caught me years after, during a sabbatical semester that took me back to France. After having taught two short courses in Lyon and Aix-en-Provence, I was due to teach Comparative Contract Law in a master's program at *Paris I Panthéon-Sorbonne* when the country was completely shut down. I was asked to teach remotely though without technical support, with the possibility to opt out. I resolved to face the challenge, reminiscing my earlier e-learning experience.

From my father's house in Lyon, I managed to scan my teaching material and made it available on a drive. I had divided the course into six units, each of them including questions and sub-questions, often in the form of hypothetical cases. I gave individual feedback to students. I recorded short videos on my smartphone, to give collective feedback. I found a way to compress the videos and post them on the drive. All 20 students engaged almost from day one and I could see them learn and improve their skills whilst adjusting to an interactive style. I had to be flexible on deadlines, some students facing challenging circumstances. One-to-one conversation led to counselling and mentoring. My Sorbonne students were grateful not to be left behind and to be spared long pre-recorded lectures. They appreciated the individual approach, uncommon in France, and found the short videos useful and to the point. These videos were reactive, focusing on points students had missed or found difficult.

I recorded two videos of 15 minutes each rather than a lengthy one. The whole experience was time consuming both for the students and the instructor. This more than doubled the time I would have spent on this class. Though I never met the students in person, I came to know them as individuals.

My previous experience offered valuable guidance, as I was away from my colleagues and deprived from institutional support. The asynchronous format helped students who had moved back home, some in East Asia or in the Middle East.

Back to Louisiana State University weeks after, I heard that my first year class of Western Legal Traditions was to be taught remotely this coming fall semester, due to the needs of physical distancing: by university policy, we must not occupy our classrooms at more than 50% capacity. All professors teaching a Legal Traditions section or subsection agreed to pool resources, while an LSU Law Online Group was set up for guidance, addressing the impact on the syllabus, choice of teaching materials, recording videos, etc. Though I have never taught a class on Zoom, I do not face the challenge alone, benefiting from my colleagues' experience in the spring and summer semesters. The plan is to teach two thirds of the class in an asynchronous manner and one third synchronous via a weekly live Zoom session. I can see that technology has improved in twenty years. What has not changed is the huge human investment needed to develop proper course resources, particularly the preparation of quizzes with true or false answers, multiple choice questions, and self-assessment.

A huge benefit of e-learning is that it forces us to focus on learning objectives and adopt a student-based perspective. It is an invitation to discover a variety of learning strategies and be closer to the individual we educate. The learning experience is entirely revisited, with long lasting benefits even when we return to the classroom. Most of us agree that nothing can replace the human touch and interaction of the classroom experience. One paradox that I discovered

through my *Campus Multidroit*, Sorbonne, and upcoming LSU experiences is that *remote can mean closer*. Think of the intimacy of the mouth-against-ear phone conversation or written correspondence, with limited interference of any form of institutional construct and peer pressure. Opportunities of one-to-one communication are manifold on the U.S. campus but are rare occurrences in mass-education systems like the French. I am to this date still in touch with *Campus Multidroit* students in Vanuatu or in African countries, and even happened to meet some of them. At the time, the happy few who owned a computer faced weak networks and tropical outages. Most had to take long rides, sometimes a one-or-two-hour walk, to the nearest eClassroom of the *Agence universitaire de la francophonie*, to perform their weekly work within a limited time. My contemporary French or U.S. students may not face such challenges, but some have to share computer equipment and Wifi access with other family members working remotely or with children attending online classes.

Developing new ways of teaching in a context of scarce resources (my experience with *Campus Multidroit*) or a sanitary crisis (COVID-19) forces us to focus on the learner and the learning process, away from the apparently and falsely equal environment of the classroom. We move from the collective to the individual experience, reverting to those days when the learner was a prince receiving a private education. Enabling the learner to take control of one's own life to the benefit of others is or should be the highest aspiration of the legal educator.

SUDDENLY DISTANCE LEARNING: CIVIL LAW IN A COMMON LAW WORLD

Nadia E. Nedzel*

Southern University Law Center (SULC), where I teach Contracts (common law), Obligations (civil law), and Sale and Lease (civil law), is an Historically Black Law School in Baton Rouge, Louisiana. Our law school's mission is to prepare students from under-represented populations to practice law, and we produce approximately 75% of all African American lawyers in Louisiana. It is an honor and a pleasure to teach these students and watch them become successful attorneys. While I have taught students who are better prepared for law school (at Tulane, for example), I have never taught students who were, in general, more appreciative or more eager to learn.

When COVID-19 hit in March, we were two-thirds through the semester, with a full month of classes remaining. After a one-week hiatus, we switched to distance learning. I was teaching two civil law courses: Obligations (a first-year course) and Sale and Lease (an upper-level course). SULC adopted Zoom, recording and making our classes available on Panopto afterwards; consequently, our classes were primarily synchronous. Recorded classes were available for those students who missed class or who wanted to review.

In addition to Zoom, because I have taught both courses for a number of years, my students had access to several years of class notes, quizzes, practice problems (i.e., hypotheticals), and even lectures online through my Westlaw TWEN class and lectures I have recorded on YouTube. Students still had their coursebooks and were required to prepare approximately 30 pages of reading material for each class, as usual. I was also able to "jump-start" my forthcoming

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Obligations casebook, which will be delivered online by means of ChartaCourse, a law-professor developed platform that looks like an expanded outline, with room for professors to add explanations, case opinions, practice problems, and even videos. I think it is a great improvement over the traditional common law casebook, which leaves students wondering what it is they are supposed to learn, or civil law textbooks that teach theory, but do not give students a great deal of insight into how the law is actually used.

Unlike many other civilian jurisdictions where law is primarily taught via a lecture method, Louisiana's civil law is taught using common law methodology. We use Socratic Dialogue and a combination of our Civil Code and judicial opinions. Our casebooks—including my own on Louisiana Sale and Lease law—include a short discussion of the applicable articles and long (though excerpted) judicial opinions. They look a great deal like common law casebooks. In class, I start by reviewing the pertinent codal articles and then ask individual students questions concerning each case they prepared for class in order to help them reach a coherent understanding of the topic.

I was lucky in that my classes were unusually small. Rather than the usual 50 students, I had approximately 20 in each class. Consequently, I was still able to employ Socratic Dialogue in class, and some of my students felt more comfortable talking on Zoom than they did beforehand. Additionally, I took advantage of Zoom's screen sharing feature to share my lecture notes online as I went through them. Other ways I engaged with students included email and private Zoom sessions so that I could help them individually with understanding difficult concepts like solidary liability as well as help them with learning how to better answer the kinds of hypothetical questions that comprise final exams in the United States.

For some, there were fewer distractions, while for others who had to "Zoom" with family around or who faced technological limitations, it was more difficult. Nevertheless, I think the adversity led to increased student engagement, increased dialogue with individual

students, and an improved level of learning, particularly with my Obligations class. As one student said: “The way that you called on us or a volunteer to do case briefs was important because it motivates students to push themselves. . . . You did a great job of keeping us attentive, alert, and informed and I truly thank you for it!”

In addition to students having a better learning experience, I enjoy teaching more when I am able to get students to participate actively in class. I have had a number of opportunities to teach in civil law countries and have taught a wide variety of students by various methodologies, in person and online both synchronous and asynchronous. Because of Socratic Dialogue and the other tools I had at hand in response to COVID-19, I found that online synchronous learning was relatively equivalent to in-person class, assuming a particular student was not facing either situational or technological difficulties. When I have students who are not used to participating in class (as when I taught Chinese students in Turin, Italy), I have found it efficacious to divide them into groups of four to six, give them a hypothetical problem to discuss for five minutes or so in light of the particular concept studied, and then have a spokesman from each group report to the class. I find it much more difficult (and much less rewarding) to teach asynchronously, where I have no direct discussion with any students.

All in all, I found teaching by means of distance learning much more rewarding now, because of technological advances, than I had found it 20 years ago, when I was teaching common law reasoning to law professors in Monterrey, Mexico primarily by email, and primarily asynchronously. In fact, I found it so rewarding that I volunteered to teach this coming fall semesters’ courses entirely online and I am looking forward to learning how to use even more technology. Additionally, my law school has decided to retool classes so that none of our classes (in-person or virtual) will have much more than 30 students. All in all, I hope that more law schools, around the world, will use this experience to help improve student learning.

BRIDGING THE DISTANCE IN LEGAL EDUCATION

Agustín Parise*

This note aims to share personal reflections and experiences on the way legal education was affected by the arrival of the COVID-19. Let me start with the personal reflections. A first reflection relates to the fact that many have stated that the COVID-19 invites for virtual teaching. I want to stress that teaching is not virtual, since it is as real as it can get: students and instructors are real, experiences are real. We should speak of distance teaching, as the title of this colloquium indicates. I strongly believe the distances can disappear, however. Distance can and should become an anecdote within the entire teaching experience. It is up to all actors for that distance to disappear. We have to bridge the distance, being open to listen, see, speak, and reflect. We need to allow us to be touched in our souls, because, after all, that is what teaching is about and is the best way to secure that both students and instructors learn.

A second reflection alerts that the current teaching offers a classroom that is always open and travels with us. It reminds me of the school wagons in the Wild West, where teachers would deliver their courses in transit, while boomers crossed the great plains in caravans to search for prosperity in the West. There, the classroom was omnipresent for students. Our classroom is available in the different platforms and environments. We can all reach out, and it is always open. We can constantly engage in communication, feed discussion forums, and work on our assignments. This new teaching allows all actors to embark in an ongoing journey of discovery.

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A third reflection invites to host participants without borders. We can invite instructors we never even thought about due to geographic or financial constraints. Likewise, we can also include students who are not based at our universities. The new scenario invites us indeed to involve new actors in our plays. Distances have disappeared in this new context, and that seems to be an irony when speaking of distance teaching.

A fourth reflection points to the speed at which things evolve. Everything evolves at high speed these days. Ideas indeed evolve at high speed. For example, the organization of this colloquium required only a few days because we felt there was no need to wait to get engaged. Technology evolves at high speed likewise, as we are constantly reminded, and corrections are always made to the technological tools we have. People adapt at amazing speed, and I will return to this.

A final reflection calls for our experiences to help us develop repositories of knowledge. We can share experiences, knowledge, successes, wrong paths, and timely changes. We can experience a fast catch-up of expertise. For example, Julieta Marotta, a colleague who directs a master programme at Maastricht University, was able to speak with colleagues in China to learn how they had done the transition to distance teaching a few weeks before. The catch-up was incredible! The Chinese colleagues, in a very generous way, alerted Marotta of the potential pitfalls and of the strong points. The colleague in Maastricht was then able to implement the transition in her program, conveying an effective message to all instructors and students. Perhaps this colloquium helps us also in that sense, enabling us to catch-up.

Let me now share experiences I had in this new distance teaching. I taught an honors course on law and literature and had to administer distance exams for a bachelor course on legal history. The honors course was small while the legal history course had an enrolment of circa 400 students. Everyone had to adapt to a new environment for teaching and assessing. We used Zoom to hold meetings

and Blackboard to assess assignments, using automatic hand-in points, with the necessary plagiarism checks. We also held oral exams via WhatsApp, with two instructors present, offering a means for all actors involved to be *tête à tête*. The teaching was synchronic, yet the classroom was always open. Emails came back and forth, and in every session, we allowed time to accommodate to this fast speed evolution by means of extensive speaking and listening. I implemented teaching without borders, since half of the instructors and students were abroad. I applied some leniency with the submission deadlines of internal assignments, I must say; because our students encountered personal problems back home, and priorities just shifted overnight.

Everyone had an impressive ability to adapt. That adaptation was not imposed, for the reason that we were well aware of the need to adapt. That need was accompanied by timely explanations: simple, straight forward, and humane. Explanations were likewise bidirectional, that is to say, from instructors to students and from students to instructors. There were also timely explanations between instructors and between students. We were all communicating by means of emails, announcements, town hall meetings, phone calls (yes, the phone was also there). The adaptation was accompanied by the fact that we all understood what was going on.

I can therefore think of a main takeaway. This experience taught me that we have a clear advantage when we explain things, when we communicate, and when we understand. We can then undergo change, and we can bridge the distance. We must be ready to listen, see, speak, and reflect; and, above all, we need to allow us to be touched in our souls. That takes us to the first reflection I shared: we need to return to the basics of teaching.

**WHEN COVID-19 THROWS YOU A CURVEBALL, YOU
NEED TO READJUST AND FIND ALTERNATIVE WAYS TO
DO TEACHING AND LEARNING**

Christa Rautenbach*

I. COURSE TAUGHT, NUMBER OF STUDENTS, LEVEL

This semester, I teach *Legal Pluralism in South Africa: Religious Legal Systems*. It is a fourth-year LL.B. elective course. Eighty full-time students are registered, and I was half-way through the course when COVID-19 struck.

II. TECHNOLOGY AVAILABLE AND/OR USED

Usually, I would use a combination of teaching and learning methods during a semester. There would be contact sessions of two and a half hours per week in which I would give formal lectures followed by class discussions, individually or in groups, and informal assessment activities. In general, the activities would be graded by the students during the sessions, and all the marks would be added up at the end of the semester to make up a small portion of the students' final participation marks. Doing class activities also motivate students to attend the contact sessions and enables them to assess their progress continually. I already used an interactive eGuide available on the eFundi platform with detailed instructions and resources that could guide the students through the course contents even without my presence. Still, I regarded contact as an essential component of my teaching and learning, and I continuously devised ways to motivate them to attend the contact sessions.

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How has this changed in the e-learning environment? I have tried to use as little new technology as possible, to prevent confusion and information overload. I have already been using the eFundi platform where all the announcements, resources, assessments, chatrooms and eGuides are available on one platform and decided to continue using it. It is a platform that is known to the students, and most of the available data packages in South Africa allow access and downloads for free. The university has agreements with many of the data service providers in South Africa, which involve free access and downloads on the eFundi platform. Thus, I could continue to use it as usual but with a few additional features and the use of online assessments to replace class activities.

III. TEACHING METHOD, ASYNCHRONIC OR SYNCHRONIC

Before COVID-19 compelled us to make a complete transition to the e-learning environment, I have already been using asynchronous and synchronous teaching methods in my everyday teaching and learning. Nevertheless, I had to make some adjustments after moving to a distance e-learning environment with no physical contact at all.

Nowadays, I do *asynchronous* e-learning mostly via announcements, emails, and discussions through the eFundi platform, which is similar to the Blackboard platform used elsewhere. Students do not have to be online at the same time as I am, except when we use the chatroom function that is available twice a week. Although I could probably continue without additional e-learning material, I felt that some form of contact with the students was necessary. Since weekly physical contact was no longer an option, I designed new shorter PowerPoint presentations with voice-overs and videos, followed by a short weekly online eFundi assessment, which—theoretically at least—ensure that they have to work through the material to answer the questions. The assessments are marked online, and the points will count towards the students' final participation mark for

the course. This method is similar to the weekly activities we did during the contact sessions.

I also do a little bit of *synchronic* e-learning by using the chatroom function on eFundi during the scheduled contact sessions to keep some measure of normality. At first, I suppose when students still felt a bit uncertain about the whole e-learning process, my chat sessions were well attended and questions were asked, but nowadays they rarely log in for discussions. It is something that I do not force, because I know that I give them enough guidance to progress through the course contents at their own pace.

IV. DOCUMENTS AND ASSIGNMENT

The voice-over PowerPoint presentations are uploaded on the eFundi platform in various formats, including MP4, which has been reduced significantly by software such as Handbrake to reduce the data usage for students. I also provide transcripts to those students who have difficulties with video downloading and inadequate access to data. *Additional documents and videos are also uploaded on eFundi.* As already indicated, the university has agreements with most of the cell phone providers not to charge students for data when they download resources from the eFundi platform. Also, an eBook format of the textbook is available to those students who left their books in the hostels when the lockdown was announced. Of course, we need to comply with copyright protection, and we have to keep this in mind with the uploading of other documents and videos, which is challenging.

One major obstacle is to redesign the assessment plan for the course. Since it is a fourth-year course, the ideal is to test the students' comprehension, application, analysis and synthesis of the law. Therefore, this course has been designed to develop these skills in the students. The final examination usually is authentic, and the students have to draw legal documents based on fictitious legal scenarios, which is followed by an oral presentation in a moot court

situation. This process could no longer be followed for apparent reasons, and I had to redraft the examination to accommodate online submissions. However, I retained the method of using real-life scenarios, which the students need to solve in the final assessment. They have to upload the answers onto the eFundi platform, where I will access and download them for evaluation.

V. ENGAGING WITH STUDENTS

As already explained, personal contact with students is no longer possible but that does not mean that we should no longer keep contact with them. Even before lockdown the contact (except when I was in the classroom) was minimal. Typically, there were only a few students who would visit me in my office. They are still the ones that keep contact with me using emails or by posing questions in the chatroom.

My office phone has been redirected to my cell phone at home, but I rarely receive calls from students. They prefer emails or WhatsApp messages. I get the impression that my physical absence has not been a problem. Still, I would only be able to tell for sure only after the students have provided feedback in their evaluation forms, which have not yet been submitted.

VI. PRO AND CONS, TAKEAWAY FOR FUTURE EXPERIENCE

The situation at the North-West University is relatively unique because of the socio-economic make-up of the students.

Let us begin with the challenges at the university. The delivery sites of the faculty of law span over three campuses with lecturers at each campus. The course content and assignments must be fully aligned between the three campuses. The demographics of the students on the various campuses vary, and their home languages are different, as are those of the lecturers. Under normal circumstances, this is challenging, but the online teaching method complicates it

even further. It is time-consuming to have the course content translated and to develop new materials by lecturers at all three campuses is no easy feat. I am one of the lucky ones, because my course is available at the one campus only, and although my materials and assessments are bilingual, I have to teach only in English, which makes it more manageable.

Another challenge is the socio-economic status of the students. The university is mostly residential, which means that the students are usually on campus, where they have access to the internet and the library. Many of them are now in lockdown in rural areas where the internet is not readily accessible, or they are from low-income families who cannot afford to buy data, which is not available on the eFundi platform. The university has tried its utmost best to accommodate these students by arranging free data on certain platforms such as eFundi. It also provides funding to students to buy additional data and provided iPads to those students without access to any devices that can be used for e-learning. Finally, the university also arranged for hard copies of the materials to be sent to the students through courier services, where all other options were insufficient.

Of course, new challenges arise every day, but we tackle them as we go along. Unfortunately, there is no template available for the unique situation in which we are. I have learned a few lessons through the whole process, which commenced with the lockdown in March:

1. **Change is not always a bad thing:** I had to rethink my teaching and learning methods and in the process I had to evaluate what I was doing and what I wanted to achieve with what I am doing. The uncertainty of everything took me out of my comfort zone, which is not necessarily a bad thing. I also learned a lot about myself and what I am capable of doing when I have to dodge the proverbial curveball.
2. **One shoe does not fit all:** I had to accommodate the different needs of the students, and I could no longer assume all of them had had the same opportunities. I have tried to provide for all

imaginable scenarios, but I might still have missed a few balls along the way.

3. **Online learning is not a quick fix:** I thought that I was already ready for online teaching and learning because I had already been using the online platform quite extensively in my course. This could not be further from the truth. I had to learn new tricks, which for my generation is no easy feat. I learnt about making videos, reducing them, creating a YouTube profile to download voice-over PowerPoint videos for those students preferring to download from there, how to use software that reduces file sizes, how to do the narration on PowerPoint presentations, how to embed videos in PowerPoints, and much more. Just when I thought I was finished, we got instructions to develop hard copies of all our online teaching and learning activities for those students who do not have access to the internet; back to square one! Learning all these skills takes time and effort, and I suddenly realized that I had no time for anything else.
4. **Online teaching and learning require self-discipline and dedication:** I must confess that I was looking forward to lockdown. It felt like the ideal opportunity to focus on research without any distractions, but quite the opposite happened. Thus far, I have not been able to do any serious research, except to complete an odd publication here and there. It takes tremendous effort to comply with all the deadlines set by the teaching and learning office, whose priority is the students—and we cannot blame them. The livelihood of universities, students and parents depends on our finding workable solutions.
5. **It is a challenge to make the switch to e-learning academically productive for students:** It took me hours and even days to design e-learning materials to keep the students academically productive online. They probably access and digest the e-learning activities in a much shorter time than it took me to create. They can access the entire world of information while being as-

sessed, because they will be online and unsupervised. Online assessment should, therefore, not be about their possession of knowledge but their ability to manipulate it productively or creatively. It means that the lecturer needs to adopt a much less prominent role in the e-learning process and the way online assessments are being conducted.

And finally, I have come to realize that it does not matter if you do not know what is going to happen tomorrow. Not everything can be controlled, and we do not have control over everything. To do one's best is good enough.

OPPORTUNITIES OF DISTANCE TEACHING AT THE UNIVERSITY OF SOUTHERN BRITTANY, FRANCE

Michel Séjean*

Context. The COVID-19 crisis has challenged the pedagogical continuity in most universities. French universities have had to comply with an imposed lockdown since March 13, 2020. While the views expressed in this publication are the author's own, the following record also draws on an internal report presented on June 12, 2020 at the request of Anne-Sophie Lamblin-Gourdin, Dean of the Faculty of Law, Economics, and Management of University of Southern Brittany (UBS, University of Southern Brittany, France).

I. TEACHING METHODS AND ENVIRONMENT

Sharing is caring. Some faculty sent their presentation slides, spreadsheets and documents of all sorts to their students via email, or through a post on the intranet environment called "Moodle," a platform designed to deliver both distance and hybrid learning, the

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hybrid offer being a mix of classroom and distance learning. A smaller number of colleagues shared their entire handout in a PDF format.

Watch me if you can. In addition to the previous methods, some of our colleagues offered “virtual classes” on live streaming channels, using software devices like Teams (Microsoft), Skype, or the less-renown interface called “Via.” The “Zoom” interface proved as handy as controversial on matters of digital sovereignty. Our university has built a reputation in research on cybersecurity. During the lockdown, the version of Zoom that most French universities used did not offer end-to-end encryption, and what we lost in security and confidentiality was gained in fluidity and quality of transmissions. Zoom confronted us with our paradoxical behavior: on the one hand, we wanted to rely on French or European tools, and on the other hand we often used Zoom because it was simply more efficient in the short term. This controversy remained of low intensity, as we had to tackle a bigger issue: more often than we thought, students did not have computers at home. Many of our colleagues faced involuntary absenteeism. Our vice-presidency engaged a series of efforts to invite local companies to give laptops to our university so that we could lend them to our less privileged students.

II. DEALING WITH LEARNING OBJECTIVES

Review your learning objectives through the lens of technical feasibility. We reviewed our learning objectives with the lens of technical feasibility. We taught what we were able to evaluate, considering the technical difficulties that we faced: a strained bandwidth, a significant number of students that reside in rural areas where the internet network is weak, and a series of repeated experiences of disconnection in the middle of an online task, not to mention colleagues who simply did not have the ability to have a quiet room to deliver their classes.

As a result, we collectively decided to reduce the length of written evaluations. We also promoted “open-book assessments,” which enabled us to ask more general questions to our students and set the learning objectives on reflection rather than recitation. Many colleagues have reported that this situation has forced them to clarify their learning objectives to their students.

III. ENGAGING WITH STUDENTS

Shepherding the students more than engaging with them.

Engaging with students was one of the most difficult challenges, bringing both frustration when students disappeared from our radars and satisfaction when we managed to maintain a high-level of participation and commitment to our classes.

We maintained interaction with students using the widest spectrum of tools at hand, from phone conversations to a galaxy of online chat apps and discussion forums on Moodle. Meanwhile, students created their own discussion groups on Whatsapp and Facebook.

IV. PRO AND CONS, TAKEAWAY FOR FUTURE EXPERIENCE

Every cloud has a silver lining. On the bright side, students have expressed a form of generous acknowledgment that they appreciated classroom education, and that they preferred proximity with their fellow students and with their faculty rather than distance education. The terms of this appreciation are bound to evolve: online education may bring powerful proximity, and classroom education may trigger a feeling of distance between faculty and students.

Another positive outcome lies in our positioning as professors: we became instructors that accompany students to reach a learning objective, and we had to walk down the high steps of being lecturing professors: in this respect, many colleagues report that the crisis has forced us to a change that we were predominantly reluctant to embrace. As far as I am concerned, I do not imagine going back to the past positioning of thinking that I am a good professor because I can

talk in front of an audience. Eloquence says more about teaching style than about learning efficiency. More often than not, online interactions have given me a closer proximity with my students than classroom interactions. I am now reconsidering my whole method of teaching through a new lens: I want to focus on how my students learn instead of on how I teach.

Negative outcomes are numerous, but not overwhelming. First, redesigning the way we give access to knowledge, and familiarizing with so many digital tools was much heavier than we were prepared for. Second, the lens of technical feasibility to assess our students has led us to rely on quizzes instead of textual reflections, dissertations, or in-depth analyses. While grading was spectacularly faster, quizzes gave us the impression of failing to raise the general level of our students—and in some way, the feeling of failing them. Third, some colleagues regret having sent their handouts to the students, and the fear of finding online their years of research is real. And finally, our payroll system is inadequate to address an activity that differs from traditional lecturing. Quantifying our workload and rewarding the faculty accordingly are the challenges we now need to face.

Therefore, our faculty of law has collectively decided that nothing replaces lectures and classroom teaching, especially for freshmen. Most colleagues refuse that their lectures be recorded, but they all have accepted their online streaming. Our biggest interrogation is our ability to train new assistants in this hybrid context of classroom and distance teaching.

**ONLINE LEGAL EDUCATION: RECREATING THE MAGIC
OF TEACHING AND LEARNING**

Fernando M. Toller*

I. DISTANCE LEARNING AND THE PARADOX OF GETTING CLOSER TO
PEOPLE

As early as February 2020, my institution started thinking of becoming a “distance law school,” trying to figure out how to deal with the prospective closing of campus facilities. When the decision was finally made to close the campus on March 14, we took the experience of more than three years of using Zoom-equipped classrooms for special diploma programs and continuing legal education and convert that into a massive legal education experience.

After more than five months of daily law school classes with Zoom, our professors and LL.B. and LL.M. students realized several things. Typically, distance teaching is qualified with modifiers like *virtual*, *online*, *by streaming*, that imply a subpar experience. But an intense legal discussion, with participants looking at each other’s faces, calling them by their names helpfully displayed onscreen, is not a “virtual” class: it is intensely real. It is not just an online class: it is a live session. It is not simply unidirectional live streaming: it is a truly interactive experience. In this sense, the “distance learning” became a very effective way for participants to become closer to one another. Thus, the online session bore a deep resemblance to a vivid classroom experience.

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II. THE SOCRATIC METHOD FACES THE ONLINE TEACHING CHALLENGE

Three or four years ago, faculty members at our law school expressed serious reservations and engaged in lively debates about distance teaching, due to our specific approach to legal education, which introduced Anglo-Saxon methodologies—especially an extensive use of the case method—into the legal education of the civil law system.

At those times, we were faced with questions such as whether it would be possible to discuss a case with a screen separating the students and the professor, or whether it would be possible to have group discussions in a digital environment. The clear result of myriads of sessions with different professors was that the online teaching may not be the best setting for engaging in the Socratic method, but it is absolutely adequate to use a synchronous class to teach and to learn by discussion. More importantly, in case-method sessions in which students love to have group discussions, Zoom proved very useful in managing both small-group and plenary discussions.

In sessions covering theoretical points that favor a “seminar-style” method with intense, face-to-face dialogue and Socratic questions posed by the professors to the students—sessions in which the more intense and vivid the exchange, the better—the digital environment proved extraordinarily helpful for teaching and learning.

Our experience, however, was not entirely perfect. It is not surprising that Zoom sessions are far more tiring for teachers and students than in-person sessions, especially when the weeks and months have accumulated without a clear end. Regarding the prospective challenges of the “new normal,” it is interesting to remark that in the previous years of online legal education we discovered that hybrid or bimodal classes, with some students in the classrooms and others at home, presented specific problems, requiring more skills and effort from teachers and more sophisticated technology in the classroom. Nonetheless, we found that it is possible to teach in

this way, provided participants are conscious of some inevitable shortcomings.

III. THE ASYNCHRONOUS OR SYNCHRONOUS DILEMMA

At present, some professors use digital platforms for asynchronous activities. For example, several professors are using “flipped classrooms,” and they substitute most of the class hours with exercises in Moodle, with timers, enigmas, etc., that cover the topics of the day. This kind of elaborate course is fascinating, and we are fortunate to have professors with the talent to conduct them. On the other hand, I am conscious that this approach can be very tiring and time-consuming for instructors, and that it calls for a lot of tech skills often beyond the competencies of our law professors.

For these reasons, as Director of a LL.B. Program with more than one hundred professors, several of them with more than forty years in the classrooms and without previous expertise in streaming legal education, facing the COVID-19 educational emergence, I preferred something that could be called a “let-it-flow approach.” From the moment the academic lockdown was announced, I have been pushing for something easier for most law professors: to use a synchronous system, engaging the students in live debate and inquiry into the legal problem or legal institution of the day, and avoiding the masterclass style. The idea has been to recreate the classroom environment in the online realm.

IV. ONLINE EXAMINATIONS

Some universities decided to continue having classes but to defer examinations until classrooms can reopen. We decided to have midterm and final examinations online, both in written form and with oral exams.

For midterm exams, we are using different pedagogical tools, from multiple choice in Moodle to open-book problem-solving or case-solving exams. The professor is usually present through Zoom,

in order to recreate the classroom atmosphere, answer questions and preserve academic integrity.

Most of our law final examinations are oral exams in front of a panel, in which the student must answer theoretical questions and discuss practical situations that the professors present in the moment. We moved these exams into Zoom without difficulties.

In all these cases, the results are quite similar to an exam taken in a classroom. The students are engaged with the system, and very happy for the chance to advance in their careers despite the pandemic.

V. ENGAGING WITH STUDENTS

There are myriads of amazing possibilities for legal education given the new technology. But at the end of the day, the most important thing in education is the magic that happens in good sessions, when a professor looks into the eyes of the students, in-person or streaming through a screen, and uses an enigma to awaken in them the desire to learn and to know. While the professor guides the students with questions through a path toward new knowledge, there often occurs a luminous moment, in which, together, they uncover a previously undiscerned reality. Importantly, that process is possible in synchronic distance teaching, just as in the traditional classroom.

These moments are what define the age-old relationship between wise and generous masters and curious and enthusiastic disciples. This empowerment is the very center of all university education.

VI. PROS, CONS, AND TAKEAWAYS FOR THE FUTURE

There is no question that face-to-face, in-person education in the classroom has a lot of advantages. Time spent together, as professors and students, engaged in conversation in the same space with a purpose—or, perhaps even better, without one—is an important part of university life. *Cor ad cor loquitur*: heart speaks to heart. All of this has an ineffable uniqueness.

But distance education has very interesting potential, too. In our field, during these times, professors and students are saving their academic year without losing the core of the law school experience: gaining new legal knowledge and lawyering skills. And that is just the beginning of a fascinating new world.

After the pandemic, law schools will reopen stronger than before, because they will have more tools and possibilities, combining the traditional methods and values, with new opportunities and having the chance to open their richness to a wider public, to a global audience. Many people will become closer than ever to the universities, and this is an extraordinary thing.

We will become better professors after this experience, being more flexible and more capable. After all this learning and effort, we will probably be better and more capable human beings as well.