

## LEAVING THE CLASSROOM BEHIND? LESSONS LEARNED FROM DESIGNING AN ONLINE LAW AND FILM WEBINAR SERIES

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My research assistant Alden Spencer and I would like to thank David Sandomierski and Shauna Van Praagh for creating this opportunity for us to reflect on our recent attempts to adapt to teaching online. We have spent the past several weeks working together to redesign my Criminal Law and Evidence courses. We will start by sharing our individual perspectives and then put forward our shared experiences, experimentation, and vision for transitioning law and learning onto an online environment.

### Teaching during a Pandemic: A Teacher's Perspective

On the afternoon of Friday March 13<sup>th</sup>, I was enjoying a pint with my colleagues at the Grad House Pub when I checked my email: "All UNB in-person classes will be suspended for the remainder of the academic year effective as of tomorrow, March 14, at 8 a.m. Starting Monday, March 23, classes will resume using alternative methods to support delivery outside of the classroom." I read the email to my colleagues. We ordered another round and toasted our uncertain future. The only thing we knew on that day was that everything would change.

The past three months have been extremely challenging for everyone. Personally, I faced the gargantuan task of converting my Evidence lectures and my Advanced Evidence seminar to an online format. I knew that the students were going to have a difficult time with the transition to an online environment, so I thought it best to replicate the in-class experience as much as possible. I told them that it may seem absurd to be studying hearsay and the voluntary confession rule during a global pandemic but that we should strive to maintain routine in uncertain times. So, I asked my students to attend live 8:30 a.m. lectures via Zoom and to submit their infographic assignments on time. The Evidence final

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exams and the research papers in my Advanced Evidence and Directed Research seminars were comparable to previous years. I have been astounded by the resiliency and tenacity of my students. And it has been difficult for them. Since March, I have heard from dozens of students about some of the challenges they have faced. For example, the university administration decided to offer all students an option to receive a credit on their transcript rather than a letter grade. Unlike other universities where students could make an election after the grades were calculated, our students were compelled to make the choice prior to writing their exams. Many students could not pursue the credit option because their scholarships depend on maintaining a certain GPA. Others were scared that the wrong choice would harm their job prospects or eliminate other possibilities such as selection for moot teams, internships, and other experiential learning opportunities. Thus, the uncertainty of the crisis was unnecessarily compounded by our university administration's decision to take steps without sufficient consultation with individual faculties or programs.

If anything, the current crisis reminds us all that we need to listen to our students if we are going to adequately respond to their needs. Over the past few weeks, our law faculty administration has since taken steps to respond more sensitively to student needs. Our Health and Wellness Committee has surveyed the students and created a database of available university, community, and provincial resources. We managed to triage the end of the semester. However, we must take more measured steps as we plan for the upcoming academic year. We are very lucky at UNB to have a small, collegial faculty where students, staff and faculty work well together. I am confident that we can tackle the challenge of moving our program online if we listen to the students and prioritize their needs.

### **Learning during a Pandemic: A Student's Perspective**

Learning law online during a pandemic was not how I imagined the last three weeks of my first-year law experience to be. My professors had one week to prepare, and I think they did the best that they could given the circumstances. There definitely were some successes. Professors began recording their live lectures, which allowed students to revisit the material. This practice encouraged us to focus on the material during class rather than compulsively writing down every word the professor said for fear of missing something important. Other professors switched

to a flipped classroom model by holding live Q & A sessions during which we could work through problems. This also encouraged students to learn the material on their own time and then apply the knowledge in a class-like setting.

In my opinion, some of my professors encountered some difficulties that could have been easily avoided had they been more sensitive to the challenges we faced. Some of my professors expected higher quality work and graded more harshly due to the extra time allotted for writing exams (i.e. we had 4 hours to write a 3-hour exam). Others took advantage of this extra time to lengthen their exam despite regulations to the contrary. Students who were taught by practicing lawyers found it difficult to contact their instructors. Understandably, Covid-19 impacted their clients as well; however, this diverted the instructors' attention away from students.

My advice for law professors who must offer courses online this fall is to not attempt to put an in-person class online. Instead, take the course material and redesign a brand-new course specifically created to take full advantage of the online platform. For example, try using discussion forums to allow students to interact on a topic while not forcing them to appear on camera. In-class polls and quizzes keep students attentive and promote interaction during class. Assign material from a range of media such as text, film, and podcasts. These materials appeal to many students and better accommodates diverse learning styles. As someone who took many undergraduate classes online, I can attest that using a variety of materials and moving beyond the video conference keeps students engaged.

### **While We Are Apart: A Non-Credit Summer Course**

Over the past several weeks, we decided to embrace the possibilities of online learning by designing a Law and Film summer non-credit course. In this section, we will outline how we developed the eight-week course and how it works in practice. The course has given us the opportunity to design and test various online teaching techniques such as polling, breakout rooms, and video-editing.

*Why Did We Develop This Course?*

We took the idea for a non-credit Law and Film course from Paul Bergman's article "Teaching Evidence the "Reel" Way", in which he outlines how to use clips from popular films and television shows to teach evidence law.<sup>3</sup> We knew that many students had lost their summer positions and would be interested in getting ahead for next year or applying knowledge they learned in their Evidence course in a more relaxed environment. Initially, we put together a list of approximately 12 films and series episodes and then we narrowed it down to eight.<sup>4</sup> We selected two evidence issues per show and set to work collecting relevant articles suitable for background reading. For example, we assigned Justice Binnie's article "Science in the Courtroom: The Mouse that Roared" to introduce the students to the use of expert witness evidence in the first two episodes of the Netflix series *The Innocence Files*.<sup>5</sup> Once the films and reading list were finalized, we attended several webinars to observe how to best encourage student participation in an online environment. We learned how to incorporate online polling, breakout rooms and chatrooms. These webinars confirmed that we should not attempt to recreate the in-person experience and that the online environment offers a new range of possibilities.

### *How Does the Law and Film Webinar Work?*

All of the films and television episodes we chose for the webinar series are available on Netflix, Cineplex or for rent on YouTube. However, we faced a challenge finding a suitable platform to host readings, clips and other background material. We wanted the course to be accessible to members of the community and non-registered students so we could not use Desire2Learn or TWEN. After exploring various options such as setting up a website, we decided to create a private group on Facebook to which we could invite participants. We currently have over 70 members including students, retired professors, lawyers, journalists, and community members. The mix of participants from different backgrounds has led to fascinating commentary, questions, and discussion.

<sup>3</sup> Paul Bergman, "Teaching Evidence the "Reel" Way," 21 *Quinnipac L.Rev.* 973.

<sup>4</sup> Our final list: 1) *My Cousin Vinny* (Opinion Evidence and Eyewitness Testimony); 2) *The Innocence Files* Episode 1 and 2 (Expert Opinion and Junk Science); 3) *Legally Blonde* (relevance and cross-examination); 4) *Silk* Season 2 Episode 3 (relevance and the twin myths); 5) *All the President's Men* (journalist-source privilege); 6) *Amistad* (the legality of slavery and *habeas corpus*); 7) *Just Mercy* (wrongful convictions); 8) *Philadelphia* (probative value v. prejudicial effect).

<sup>5</sup> Ian Binnie, "Science in the Courtroom: The Mouse that Roared," 56 *UNBLJ* 307.

Each week, we post a film trailer for the upcoming film or episode along with a selection of relevant articles in the Facebook group. All participants are asked to watch the show and read the material prior to the webinar held every Thursday evening on Zoom. As part of our course design process, we experimented with various delivery platforms; however, Zoom provides the easiest to use interactive features such as polling and breakout rooms. During each webinar, we introduce various Evidence concepts with a brief substantive lecture that incorporates various clips from the film or episode. The participants then discuss (as a group or in breakout rooms) how the clip illustrates an evidentiary issue. We also present topical examples from recent Canadian cases, such as the Oland murder trial, to illustrate the importance of the evidentiary issue in contemporary Canada. We also do our best to avoid 'Zoom fatigue' by inviting guest lecturers to give a brief overview of one aspect raised in the film. For example, we asked a professor who teaches legal ethics to discuss the issue of sexual harassment in the workplace during our Legally Blonde webinar.<sup>6</sup>

### *Lessons Learned*

Over the past several weeks, we have learned many lessons from designing and running the Law and Film webinar series. First, it takes time to become familiar with the technology. Second, it takes longer to cover material because people need to unmute their microphones and the instructors need to set up clips, run polls, set up breakout rooms, etc. Third, it takes more preparation to plan an online class. There is much less room for spontaneous interaction so the instructor must be more active in choreographing the design and flow of the discussion. Fourth, the students are not necessarily comfortable gleaning content from watching videos. They are used to reading and listening to lectures. Instructors must carefully draw the connection between concepts introduced in the background material with the clips. Fifth, it is useful to have some help run the chatroom because it can be difficult to keep track of the live and online discussions at the same time. Sixth, you can have honest and authentic discussions via an online platform such as Zoom; however, it takes more time to build community if the participants do not know one another in person beforehand. Seven, we are all adjusting to this new

<sup>6</sup> We chose Legally Blonde to introduce participants to relevance and cross-examination. The main character Elle Woods is sexually harassed by her professor/employer. We asked our guest lecturer Professor Basil Alexander to outline the options that are available to students who find themselves in a similar situation.

learning environment – not just the teachers! We all need to be compassionate as we collectively move to a new style of learning. Eight, people are craving community and connection now more than ever. We encourage you to try various formats and experiment with your students. Nine, this course has acted as a transitional learning experience regarding course design. It has challenged us to think about pedagogy and learning outcomes in a whole new way. Ten, the professor has finally realized what her student has been saying all along – you simply cannot put an existing course online. You must completely redesign the course so that it suits the medium. Finally, this experiment has helped us better assess the challenge that lays ahead: how do we teach substantive law courses online during a pandemic?

### **Looking to the Future: Course Delivery during Fall Semester**

We are now engaged with redesigning an online first-year Criminal law course for the upcoming academic year. Building upon our success incorporating visual material and using interactive pedagogical tools such as breakout rooms and live polling, we have decided to build our course around six episodes of arguably one of the greatest shows of all time: HBO's *The Wire*. We started with syllabi from previous years to see which substantive topics were covered in first year criminal law. With these subjects in mind, we watched the first six episodes of the first season of *The Wire*. The show explores topics such as search and seizure, interrogation, the right to counsel, and systemic racism within the criminal justice system. We plan to assign readings relevant to the issues that emerge during each episode. Unlike the Law and Film series, we will watch the episodes together during class time. We will also use the Desire2Learn Learning Management System to post course materials, host discussion groups, and post assignments. However, we plan to follow the basic format of the Law and Film webinar series: live discussion, breakout rooms, live polling, and chatroom discussion. We hope that the structure of the class will be engaging enough to inspire students to talk about the episodes outside of the classroom. We plan to assign study groups in hope that the students will be able to build an online community beyond the classroom.

### **Some Concluding Thoughts**

Since the announcement on that Friday in March (which seems so long ago...), students and professors have confronted unprecedented challenges. We all did our best to finish the academic year under very difficult circumstances, and now we are mourning the loss of our in-person community. However, we have discovered that during even the most trying of circumstances people want to learn. We set up the Law and Film series to experiment with online course design. To our amazement, we have created a forum through which a vibrant online community has emerged. Teaching online will never be the same as teaching in person. However, once you realize that in the properly designed format online connections may be real as any classroom environment, then new possibilities begin to reveal themselves.