**IMPLEMENTATION OF A PARALEGAL DISTANCE EDUCATION PROGRAM:
OPPORTUNITIES AND CHALLENGES**

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## ABSTRACT

This paper discusses the challenges and opportunities of implementing a distance education program for paralegal instruction. Some reasons for venturing into distance delivery of college classes are explored. Among the particular challenges addressed are law library access, encouraging interaction and discussion among students from different locations, computer training from a distant site, and the expense of distance education.

We at Clarion University have had a decade of delivering ABA approved paralegal education to students. Our paralegal program is located on a rural remote campus without dormitory facilities. Knowing that we have an exceptional program and also knowing that our location will continue to prevent students from partaking of this educational opportunity, the only available solution was to go to them.

Through the use of advanced technology we are beginning to expand the classroom to locations away from our rural location. An approved paralegal education requires that extensive practical skills must be learned and practiced. Proficiency as a paralegal requires that these skills become second nature. The problem with distance education, until now, was that the technology did not allow the necessary interaction between student and teacher.

Interactive Video allows us to deliver lectures and answer questions in real time. This allows for the interaction that is necessary for a legal education. The technology is now so good that active and vibrant discussions take place at the remote and the life site simultaneously.

By using a Smart Board any number of remote locations can see PowerPoint presentations that replace the traditional chalk and blackboard. The PowerPoint presentations are much livelier and more memorable than any traditional lecture could be. By using Blackboard these presentations are always available as a perfectly prepared notebook for the students. Through Blackboard and of course ITV we are able to continually interact in all of the ways necessary for a quality education.

All of the advanced legal courses require the extensive use of a law library. The costs of a law library are astronomical. Purchasing one for each location is not economically feasible. However, the online law libraries, such as WestLaw and Lexus-Nexus provide a more then adequate replacement. By using Smart Board technology each student can access more research materials then would be available in all but the most elite law libraries in the nation. There is no waiting for available texts or concerns about library availability. The research materials are instantaneous and are presented in a manner superior to traditional library based education.

Through the available technology we are not only able to provide our remote location students with a quality education; we are able to provide all of our students a better education then was ever possible before.

This paper is a case study of the process and issues confronting offering an entire paralegal program through the distance education ITV modality. It will document the challenges in distance delivery of the program and the plans to overcome them.

**The Movement Toward Increased Distance Education Delivery**

The delivery of quality education in America is a challenging enterprise. Taxpayers are increasingly concerned about the cost of a quality education at all levels, including secondary and post-secondary education levels. Distance education, the delivery of education where the instructor and the student are separated by space outside the classroom, and

connected using computer-mediated means, has the potential for more efficient allocation of educational resources from one location to another. Distance education technologies including digital compressed video delivered over ISDN, Internet, or the ATM (Asynchronous Transmission Mode) lines, satellite, microwave, Internet web sites, e-mail, fax, videotape and traditional "snail" mail. These technologies offer exciting possibilities for increasing the quality and reducing the cost of distance education. Particularly exciting is the improved technology and access to the Internet, especially advances in the delivery of "live" audio and video that may be delivered over standard telephone lines with relatively inexpensive equipment.[1]

At a conference on distance education by the Pennsylvania Association of colleges and Universities, Dr. Thomas Head, of Virginia Tech suggested the following paradigm for classifying educational instructional delivery on the basis of time and location.

**LOCATION**

|  |  | Same | Different |
|---|---|---|---|
| **TIME** | Same | Traditional Classroom | Distance Learning (synchronous) |
|  | | | |
|  | Different | Computer Assisted Instruction (asynchronous) | Virtual Classroom (asynchronous) |

Same-time-same-location traditional classroom education has been the delivery system of choice at all levels of education. Different-time-different-location education has historically been in the form of correspondence courses delivered through mail services. Although asynchronous means of distance education have been used since the invention of the radio, it is only recently that computer technology has been used. Different-time-same-location, asynchronous delivery, has been limited primarily to a video tape media, used since the 1970's. Computer assisted instruction in elementary and secondary schools has been more recently used to augment traditional classroom instruction for the student. Same-time-different-location or synchronous delivery has primarily focused upon interactive systems using satellite, ISDN, ATM, microwave, or cable transmission of either two-way video or one-way video/two-way audio. Some institutions, like Oklahoma State University, have used some inexpensive Internet delivery systems. In recent years, there has been some interest in computer-directed virtual classrooms. Web based course software such as Blackboard have integrated the virtual classroom into its core application.

The bulk of the research on educational delivery systems suggests that the mode of delivery is not a critical element of quality educational outcomes.[2] Rather, the critical elements seem to be effective instructional design and instructional techniques. The traditional advantage of classroom delivery has been face-to-face contact with the student that allowed the student and teacher to establish a rapport that encouraged learning. Other modes of delivery generally were unable to establish this kind of rapport. With technologies now available, face-to-face contact can now be offered at a distance.

Studies of students of other delivery methods have suggested three critical needs for those who do not in the same location as the originating site:

1. Distance learners want and need rapid feedback.
2. Distance learners need easy access to library resources
3. Distance learners need local support.

All educational delivery systems to remote locations should consider these three needs.

A driving concern in alternative delivery systems of quality higher education is the interest in providing universal access. Traditionally, the question of access was focused more narrowly upon the economic ability of the parent to pay for tuition, books, housing, and board. Government programs and higher education institutional initiatives were directed primarily toward the residential, traditional student who was just out of high school. With the development of the community college system, more non-traditional students were attracted. However, the focus remained with in-class instruction at fixed times and locations, still not fully meeting the needs of their students. Some adjustment to evening and weekend classes was given. While the community college system did increase access, recent trends in higher education funding have made access more difficult. In addition, structural changes in the national economy have increased need for lifelong education. For those whose professions have become obsolete, retraining and re-education is needed. However, for those same people, the opportunity cost of returning to a campus setting is exceedingly high with family considerations being paramount. While one worker in the family may be occupationally displaced, the other worker is even less free to move to a different location to access educational services. In addition, increased child-care burdens increase with the loss in family income.

Although educational institutions, especially K-12 schools were early adopters of computer technology, they have failed to keep pace with individual

personal computer users, and the corporate community. The fact that you can still find decrepit Apple II computers in classrooms is a pathetic indictment of an education system that needs drastic overhauling. Even more disturbing in this day and age is some classrooms have no computers. Much of this may and can change, though, because of one critical development: the Internet. Surfing the Web can become a common activity in schools, and should get the attention of those in the education establishment. If you browse the literature on computers in education, you will see a definite trend emerging; long-distance learning using computers. A 1993 nationwide survey of 550 elementary and secondary education teachers indicated a need for improved financial support for technology and access local area networks and dial-up services.[3]

In the late 1990's, Governor Tom Ridge of Pennsylvania unveiled a bold plan to bring all of Pennsylvania's K-12 public schools into the computer age by allocating substantial budgetary resources for those schools. In addition, in a Project known as Link-to-Learn,[4] substantial budgetary resources were allocated to universities, K-12 schools, libraries, and business to develop networks and infrastructure that would allow those participants to connect together through a network of networks called the Pennsylvania Educational Network (PEN).

As a result of the Link-to-Learn initiative, there has begun to be a paradigm shift in re-thinking of the role of technology in the classroom. Increasingly educational opportunities are becoming more accessible to not only K-12 programs but also to higher education and life-long learning programs.[5] Consequently, there should be an increase in the demand for distance education programs.

The long-distance learning concept can be applied to bring education opportunities to the people in a widely spread geographic area such as northwestern Pennsylvania. Adult learners have increased difficulties accessing higher education resources due to family, job, and financial constraints. Financial issues include not only costs for books and tuition, but also costs of the commute (gas, and vehicle depreciation) and the opportunity costs associated with the commute. For example, a student who is forced to drive an hour each way to class forgoes the opportunity to spend those hours at work.

Finally, the last pressure on increasing the use of distance delivery of educational services is the economic costs associated with bricks and mortar. Distance delivery, especially web based distance delivery, allows substantial growth of the student population without incurring significant costs of additional property. Most of the costs associated with web-based distance education are sunken costs. The only marginal capital costs are those associated with providing additional servers or bandwidth. Even these are usually insignificant since most institutions operate with surplus bandwidth and computer capacity.

**Implementation of a Paralegal Distance Education Program**

Law by its nature requires an interactive teaching methodology. We have all seen the interchange of dialogue, at least in movies and TV, of the Socratic Method used in law schools. I have always taught with my own modified version of the Socratic Method. I remain convinced that open discussion and debate remains the best way to teach law at the undergraduate level. As paralegals they are going to be required to think, reason, and apply what they have learned on a daily basis. A pure lecture format does not prepare the student for this type of employment. From a purely practical matter teaching law classes in a lecture format may be the best way to insure that the American Bar Association will never approve your paralegal program.

It would certainly be easier to teach other disciplines through distant education technology. Some courses are more suited to lecture. With a lecture format it is much easier to provide identical educational quality to the distant students and the local students. Therefore, I expected that the use of distance education technology would require a significant compromise in my preferred teaching method. Further, I expected the quality of the distance education to not be as good. With this expectation I only agreed to teach a distance course and experiment with the full expectation of finding the experiment to be a failure. I never expected to be able to teach the distance students as well as I taught the local students. This has not been the case, although it has required more work and adjustments on my part. With the use of additional technology the distance education students are learning every bit as well as the in person students.

The identical method will not work with all law classes. However, there are some commonalities that are uniform across a law curriculum. My teaching method had been to simply use a chalk board and get every student involved in the discussion. I paced, I walked down the isles, I jumped on the desk, all of which will not work when providing distance education. I replaced the chalk board with Power Point slides. I simply placed what I would have written on the board into a PowerPoint presentation and the distant site and the local site see the identical

presentation. This requires either a SMART BOARD or some other means of assuring that the same computer screen is seen at both sites.

Early on I continued to ask the students how I could improve what they were receiving at the distant site. One of the comments was a request that I place my PowerPoint program in Blackboard to enable them to print them for class. This way they could use them as a starting point for note taking. I followed that advice and now when I look out over the classroom I see a classroom full of printed of PowerPoint slides. The slides are used to present basic legal principles and definitions. Cases are then used so the students can determine how the principles and definitions should be applied. Law, by its nature is not going to have cut and dry answers. Therefore, it is easy to get a discussion going on how the principle in question should be applied. It is important to keep the distant site involved in the discussion. We have a system that allows the camera to be focused on the speaker. This makes the discussion more personal for the person viewing this from the opposite site. I have found the discussions and debates to every bit as lively with distant education as they were in a traditional classroom.

The use of PowerPoint is essential to providing good distance education. There are other methods of transferring written chalkboard type information. None of them is as good and all of them are wasteful of class time. Distance Education forced me to modernize by using PowerPoint. The simple truth is this is a better way of delivering information then a chalk board. At one time I would describe the Federal Court structure by listing the types of courts and the districts on the Board and describe how a statute was created by simple lecture. Now I show a map of the districts and the circuits. With a statute I have nice little PowerPoint presentation of a bill working its way through the House and Senate to the President's desk. The students understand it better on both sites and I spend less time getting the same principles taught.

For all classes it is essential that the professor travel to the distant site on occasion to teach from that location. The conventional wisdom seems to be that this is necessary for the distant student to feel equal. And they do feel somewhat cheated if the faculty member does not switch teaching locations periodically. I am sure all of this is true, but that trip is actually more important for the faculty member then it is for the distant student. It is difficult to read nonverbal communication over the interactive monitor. Being there enables one too gauge each student as to who would be most effective in discussing the class topics. I have found that I cannot make an effective determination of who is most likely to lead a discussion or an argument until I have seen them face to face. This information is carried back to the originating site and the subsequent classes are more effective.

The American Bar Association requires all programs to have a required amount of what they call legal specialty courses. All of these courses present there own unique problems in providing this education via distance technology. The base legal specialty course that all of the others grow out of is legal research. It is impossible to teach someone how to research law without having a decent law library. Law libraries are prohibitively expensive. The cost of providing a full library at the originating site, the distance sight, and then possibly an additional distant site, would make the entire effort of providing paralegal education via distance education self defeating. It would simply be cheaper to have three different schools.

This problem and its solution ended up improving the education and the employability of all of ours student, both on site and distant students. Way back when I was a law student Lexis-Nexis and Westlaw were both providing computerized legal research via their data basis. This predated windows so these original services were dos based and required the downloading of what was then a substantially large software program. In the twenty years since I finished law school these programs have progressed to the point that they are web based. No software is required and therefore they can be accessed from any computer connected to the world wide web. Both of these law services provide access to law materials that only the largest and most prestigious law schools would have in book form. These services have replaced or supplemented the traditional law library in the large law firms throughout the country. Even the smallest counties in Pennsylvania provide one service or the other in their Court House law library.

Over the years I have tried to provide limited online research services for our students. I made a web page with links to the free statute and case services which exist on line. For a few years I was able to get free Westlaw from a book representative that was limited in time, but did allow the students to at least see how it worked. Realizing that it is the largest firms that employ the most paralegals, it was becoming mandatory that paralegals enter the work force with a working knowledge of either Lexis or Westlaw. The problem was the cost. The University had a large financial commitment in a book based law library and the student numbers did not warrant the further expense of Lexis-Nexis or Westlaw.

The promised increased student body through distant education made the purchase of Lexis-Nexis not only financially palatable, but educationally necessary. With either a Smart Board or some method of viewing the same computer screen at the same location both groups receive an effective legal research education. As a matter of fact, the on site students are receiving a better education then they did prior to distance education. Lexis-Nexis gives each student their own password thus enabling them to complete research assignments from the library, their dorm room, or their home. This course used to be taught in the local law library. The students would be divided up into groups. Each group had to work on a separate project that was created to ensure that each group would need different book volumes. No law library I know of can afford to have multiple duplicates of the books. For example, if I was teaching how to research statutes, each group would by necessity have to have a topic that was completely removed from the other group. This was the only way to effectively teach legal research.

With the online law library services, this is no longer necessary. All of the students are now looking at the same page in the same book, learning the same techniques, and, by the way, it is a lot less work for the faculty member. All the students, regardless of their location, are looking at the same screen. As they do I am explaining how to find the statutes, how to decipher them, and how to determine their treatment by the courts to all of the students at one time. It is a remarkable thing to have the world's most extensive law library sitting inside a lap top computer. In no other generation has a law student, let alone a paralegal student, had unlimited access to such an extensive library of legal materials. The short of this is that distance education has provided the tools to greatly improve the education of all students, local or distant.

Each of the legal specialty courses created there own specialized problems apart from those confronted in legal research. Civil Litigation is a class where we prepare the student to provide support in trial advocacy. This requires the preparation of all court and discovery documents. Therefore, the course is a writing course with legal research and argument tossed in. Lexis-Nexis again provided the form books, the litigation manuals, and the evidence materials in a manner that only the most extensive law library could have.

Traditionally I had divided the class into two or three groups and assigned each of them a client—one the defendant, one the plaintiff, and one the co-defendant. Each group would then prepare all the documents and all of the discovery necessary to take this case to trial.

This was an approach that I didn't want to abandon since it provided the best method of teaching civil litigation skills. Each student had to be familiar with all documents and each group checked the others group work so they could respond through the pleading process. I played the roles of each groups clients and witnesses during the interview process. This was not difficult to do as I simply found a conference room or an empty class room for two of the groups. They could interview privately and brainstorm collectively for their case strategy.

We handled the document service problems simply by requiring that all documents be served on the other parties and the court (me) via email. This system ended up working better then simply handing them to the other side at the beginning of class. With the email procedure all of the students had the documents often days before class. They were prepared to answer and argue their pleadings in a much timelier manner.

Playing the roles of the witnesses ended up being more problematic. I have handled this in two ways. First, we have done interviews of the distant groups clients by using the chat section of Blackboard. This has its drawbacks, the students can't judge facial expressions or voice tone. I would often play the role of the less then totally honest client. This is much harder to do in Blackboard. The second solution I have used is to have the other groups in an adjacent classroom and have the distant students interview their client by ITV. The best alternative is to schedule a trip to the distant site at a time when the interview would be appropriate.

The problem that I am still wrestling with in this class is the final. Prior to distance education the final was a trial. I would find witnesses among faculty members and students from other majors. Although, some court proceedings currently use video, such as with the intimidated child witness, I do not believe this going to work well for an entire trial. I have considered transporting the distant students and, reluctantly, giving a traditional final.

We teach Legal Writing as a writing intensive extension of Legal Research. Since Legal Writing is learning how to express what was discovered through the legal research process, Lexis-Nexis is instrumental for this class also. It provides us with form books, writing manuals, and legal dictionaries on screen in both the distant and near location.

The course has been made easier to teach and more beneficial to the students as a result of the online library. We are able to immediately access the rules of procedure thus showing the proper format for brief

writing or motion practice. Since this is a writing course, writing projects are assigned out of class. The students simply email them to the instructor. They arrive in a more timely manner allowing the instructor to have them critiqued before class starts. This process saves an entire class in lag time and rarely do we hear the excuse that their dog ate the computer.

Our other legal specialty courses: Family Law, Real Estate Law, Wills, Trusts and Estates, and Introduction to Paralegal Studies, have proven to be less problematic. All of these courses benefit from Lexis-Nexis and the application of technology then we learned from our other courses.

**Institutional Concerns**

Administratively, distance education in the State University System is difficult. Administrative difficulties include logistical concerns, technological concerns, budgetary, and scheduling concerns.
Ideally, the distance education profession should teach the class from the distance site as often as possible so that the professor can develop interpersonal relationships with members in the class. Even with ITV, there is a tendency for the faculty member to be seen as nothing more than a "talking head" with no real interpersonal relationship developed. Students are then more reluctant to participate interactively in class and sometimes even more reluctant to attend class at all. When the distance site is relatively close to the originating site, it may be possible for the distance education professor to frequent the distant site and teach backward toward the "originating" site. However, sometimes this might be difficult if there is insufficient time between scheduled classes in the professor's load to travel from one site to another. In addition, the travel is time consuming and fatiguing.
Technological concerns are always more heightened in distance education due to the more wide use of technology. As if teaching were not difficult enough, the professor must always plan for technological failures. Backup delivery systems are important.

Currently, one of the performance indicators for the SSHE is low enrollment programs. Because university resource allocation from the SSHE is, in part, based upon these performance indicators, increasing the number of majors and graduates is an important economic goal. Distance delivery into other markets offers an opportunity to increase class size and the number of graduates.

ITV distance education classrooms must be specially equipped to optimize the distance site experience. Distance education classes must be given priority over other classes when scheduling. Scarce resources and limited classroom availability are often significant challenges. To further complicate matters, distant sites may not be on the same academic calendar, nor on the same daily time schedule. For example, at Clarion, distant education classes must be scheduled on a Tuesday-Thursday Schedule or on a Monday-Wednesday afternoon schedule because one campus has different time slots for the MWF morning than does the other. Until this fall, SSHE universities had different academic calendars making it difficult for a class taught across two member institutions to begin and end within the normal term.

**A Look Toward the Future**

Despite the constraints on distance education, economic and social pressure on educational institutions will continue to fuel growth. Every semester, the numbers of courses offered through distance education increases. Statewide initiates such as the Keystone Network foster additional growth. Clearly, not every course is currently appropriate for distance delivery given our current state of technology. Also clear is that not all faculty will be interested nor will all faculty have the requisite skills to succeed with distance delivery of their courses. Nevertheless, demand is increasing and supply will eventually adjust. Otherwise, educational institutions such as the University of Phoenix will soon make enough inroads within the State to measurably affect enrollments.

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[1] One-way live audio can be delivered using RealAudio and other software that requires only an addition of a sound card and speakers for the student and a microphone, sound card, and appropriate server software for the sending location. Two way audio and video can be delivered using NetMeeting or other video conferencing software, and low-cost video cameras, sound cards, microphones, and speakers. The only additional requirement is an Internet connection. The Internet connection may be direct using an ISP (Internet Service Provider) and a telephone modem. Digital Subscriber Lines (DSL), cable modems, and satellite now offer the bandwidth to offer much higher quality, high-speed Internet connections.

[2] Miller, John W., McKenna, Michael C., and Ramsey, Pamela, "An Evaluation of Student Content Learning and Affective Perceptions of a Two-Way Interactive Video Learning Experience," *Educational Technology*, June 1993, p. 51. "Our review of the available research identified no study that has shown distance learning to be

disadvantageous in terms of content learning, while some have even documented advantages over conventional, face-to-face instruction (e.g. Barron, 1987, Weingand, 1984)."

[3] Honey and Hengrequez, "Telecommunications and K-12 Educator:  Finds from National Survey," Center for Technology in Education, Bank Street College of Education, New York, New York, 1993.)

[4] The Link-to-Learn initiative has been funded at $40,000,000 for each of the last two years and anticipates another $40,000,000 this year.

[5] Additional information about the latest Pennsylvania educational technological initiatives can be found at the web site located at http://www.pde.state.pa.us/ed_tech/site/default.asp.