

# Get Your Library Ready for Distance Education

by Ann Walsh Long

*Professional Perspectives—Tools and Techniques of the Trade. The Professional Development Committee encourages members to continue to explore topics after presentations at the local, regional, and national levels. We welcome your comments and article suggestions. Please contact Carol Avery Nicholson at 919/962-1199 or carol\_nicholson@unc.edu.*

While the concept of distance education has been around for more than 100 years (having first been used in the University of Wisconsin's 1892 correspondence course catalog), the application of information technology allows many universities to view distance education as a way to market unique educational programs and delight legislators by providing access to higher education in their districts. With the ever-changing nature of business, industry, and technology, employees require continual training and reeducation, making distance education an acceptable alternative to traditional programs. (Baker and Marquardt, 11/99)

The Concord University School of Law has made headlines by establishing a distance education JD program; however, the program remains the only one of its kind, is not accredited by the American Bar Association (Concord has not sought

allows law schools to investigate fully how distance education could benefit traditional legal education. This time provides a rare opportunity for law librarians to prepare for potential future change, to position themselves to accept new roles and to provide new services to help facilitate distance education. This article provides an overview of current

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distance education ventures allowed by the ABA and serves as a guide for law libraries in preparing their schools for distance education.

## What Is Distance Education?

Basically, distance education is defined as instruction that does not require both the instructor and the student to be in the same physical location. (WestEd 3/28/00) There are two types of distance education: synchronous and asynchronous. Synchronous courses are offered in "real time," where students participate in courses at remote locations that are being taught at a host location. Asynchronous learning takes place at the student's convenience, typically in the form of videotapes.

Information technology has improved over the past few years to make distance education a reality for both students and universities. Students have become more adept at using computers, e-mail, the Internet, etc., and universities are investing in the technology needed to support and facilitate distance education. As fiber optics replace copper wiring throughout the nation, distance education will become easier to transmit to remote locations. By 2002, 84% of four-year colleges will offer distance learning courses, according to the International Data Corporation. (Baker & Marquardt, 11/99) At this rate, many future incoming law students will be

veteran distance learners and may have an even shorter attention span than the current MTV generation.

## What Does the ABA Allow?

The ABA has been considering distance education and its application to legal education for several years. The ABA Accreditation Committee is evaluating distance education and hosts an annual conference to engage legal educators and deans in the discussion. Distance education is partially addressed in two existing ABA standards that discourage correspondence courses and law schools seeking to establish a branch campus via distance education. (Under Standard 304[g], a law school shall not grant credit for study by correspondence; standard 105 deals with opening a branch.) In 1997, the ABA Accreditation Committee issued Temporary Distance Education Guidelines (Memorandum D9697-50, 5/6/97) for law schools to experiment with distance education in the following ways:

- provide one experimental course per year via distance education;
- coordinate with another accredited law school to offer a course; or,
- enhance externships or clinical programs with classroom components.

The temporary guidelines specifically address the role of the library in granting approval for distance education courses. The first guideline, "Site of Reception," allows experiments to occur only if a "library or information resource center of significant size" is available to students on the receiving end of the transmission. The library or information center on the receiving end may require approval under ABA Standard 105 and Interpretation 105-1(11) regarding the establishment of a branch campus. As an exception, the ABA does allow students to take one JD-applicable, three-credit-hour course to be taken by distance education without a library or information center on the receiving end.

## Other Legal Distance Education Examples

ABA CLE Center for Distance Learning technology-based CLE programs  
<http://www.abanet.org/cle>

Berkman Center's Openlaw (through Harvard)  
<http://eon.law.harvard.edu/openlaw>

Chicago-Kent College of Law/Illinois Institute of Technology  
<http://www.kentlaw.edu/distancelearning>

Deconstructing the Law School Classroom: A Workshop on Distance Learning in Law Schools  
<http://www.cali.org/dlworkshop/resources.html>

JusticeWeb  
[http://www.kentlaw.edu/student\\_orgs/class/TheJusti.html](http://www.kentlaw.edu/student_orgs/class/TheJusti.html)

Nova Southeastern University's Shepard Broad Law Center teamed with Washburn University School of Law, 1999-2000 Advanced Tort Seminar on Comparative Products  
<http://washburnlaw.edu/news/pressrel/2000-02advTorts.htm>

ABA approval), and much of the legal community is hesitant to support legal education in this new format. For example, Justice Ginsburg argued that "The process inevitably loses something vital when students learn in isolation, even if they can engage in virtual interaction with peers and teachers." (Rivkin, 10/14/99) This slow acceptance

# A Desktop Learning Opportunity

## How Can Law Libraries Prepare?

Because legal education may be the last discipline to jump on the distance education bandwagon, there are many examples of library initiatives for law librarians to learn from. The Association of College and Research Libraries (ACRL) has issued *Guidelines for Extended Campus Library Services*. The ACRL guidelines recognize that "effective and appropriate service for distance learning communities may differ from, but must be equivalent to, those services offered on a traditional campus." These guidelines are very similar to the objectives of the temporary guidelines issued by the ABA. The goals of both associations obligate both academic and law libraries to maintain a high level of service to distance learners. This offers law libraries an opportunity to partner with other academic libraries, in lieu of another law library, and reach the same educational goals.

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The study of law is unique in that it requires students to spend a great deal of time in the law library conducting research. This may be the real challenge law schools face in providing distance education. If the receiving site does not have adequate library resources, distance learners will not be able to conduct research in the same manner that on-campus students can, putting them at a disadvantage. In the hyper-competitive world of law school, it is doubtful that students will opt for distance courses unless the field is truly balanced. While LEXIS and WESTLAW provide many sources online that can be accessed anywhere, online services may not offer the depth of resources necessary for conducting research in seminars and upper-level courses. (Leiter 2/99) As any librarian or legal research and writing professor will agree, it is imperative for law students to know how to use books for legal research. Without access to an

adequate law library, students will have a difficult time learning these basic skills. Librarians will also increase their role as instructors, teaching both faculty and students computer skills needed to survive in a distance environment. During the experiment period of distance education in law schools, law libraries should explore how distance education will affect libraries and take preparatory steps, including but not limited to:

- identifying library partners;
- determining if the legal collection in the receiving site library is adequate;
- evaluating sources online (LEXIS, WESTLAW, the Internet, etc.) and deciding if electronic sources are appropriate;
- assisting faculty in converting traditional courses to distance courses; and,
- training faculty and students in computer skills.

The first step law libraries should take is to identify potential library partners. Many universities are already part of a consortium of schools and share online catalogs, provide interlibrary loan, and have a history of cooperating with each other. In a distance environment, these ties will need to be strengthened. Law library partners may also include court or state law libraries, depending on whether these collections qualify as "a library or information center of significant size" according to the ABA Memo. Collaborating libraries will need to depend on each other to provide reference, interlibrary loan, and to circulate materials. Any policies, such as hours of access, or policies that are unique to certain materials or collections, will need to be explained to both faculty and students.

The biggest burden on the receiving site (or secondary) library will be providing adequate reference to this new clientele: will distance learners be treated as primary patrons? The secondary library may not be able to handle legal research questions due to the content or the sheer increase in volume. Students may need to be directed to the primary law library for legal research and reference and submit

## Resources and References

American Bar Association, Memorandum D9697-59, 5/6/97  
(<http://www.abanet.org/legaled/distance.html>)

ABA Standards: 304(g), 8/96; and 105, 8/97  
(<http://www.abanet.org/legaled/standards.html>)

ACLR *Guidelines for Extended Campus Delivery Services*, 1998 revision  
(<http://www.ala.org/acrl/guides/distlmg.html>)

Baker, Nancy and Steve Marquardt, "Library Support for Distance Education," 20 *Library Issues: Briefings for Faculty and Administrators* 1 (11/99)

Designing Instruction for Web-Based Distance Learning  
<http://www.wested.org/tie/dlrm/course/indexx.html>

Distance Education Clearinghouse  
<http://www.uwex.edu/disted/home.html>

Distance Learning Resource Network  
<http://www.wested.org/tie/dlrm/>

Gasaway, Laura, "Distance Learning and Copyright," *Journal of Library Services for Distance Education* (<http://www.westga.edu/library/jlsde/vol1/2/LGasaway.html>)

*The Journal of Library Services for Distance Education*  
<http://www.westga.edu/library/jlsde>

Library Support for Distance Learning  
<http://www.lis.uiuc.edu/b-sloan/libdist.htm>

Leiter, Richard A., "The Internet Effect," 20 *Legal Information Alert* 8 (2/99)

Rivkin, Victoria, "Law Schools Remain Wary of J.D. Courses On-Line," *NYLJ* (10/14/99)

Resources for Distance Learning Library Services  
<http://www.lib.odu.edu/services/disted/dersrcs.html>

Arturo Lopez Torres and W. Clinton Sterling, "Will Laws Schools Go the Distance? An Annotated Bibliography on Distance Education in Law," 91 *Law Library Journal*, 655 (Fall 1999).

WestEd, *Technology in Education* (visited 3/28/00)

questions by e-mail, phone, or fax. Partnering libraries will also need to determine how quickly these requests will be answered. Research may also involve the need for additional materials not available at the secondary library, creating an increase in interlibrary loan requests, staff retrieval, and shipping. (Baker and Marquardt 11/99) For document delivery in both print and electronic formats, librarians will need to pay close attention to copyright laws. The United States *Copyright Act* as it applies to distance education can be found in sections 107 (fair use), section 110(1), (the classroom exemption), and section 110(2) (instructional broadcasting).

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Once a secondary library has been identified, the legal collection will need to be evaluated on its efficacy for proposed distance courses. If the secondary library is a non-law library, librarians will need to make sure legal materials are current and complete. In the dizzying world of legal publishing, some items may have lapsed. Also, librarians will need to evaluate if the library has adequate computer resources to provide access to electronic resources such as CD-ROMs or LegalTrac. In addition, librarians will need to review license agreements and the number of passwords for all non-print materials that will support the print collection.

Once the print collection has been evaluated, librarians can ascertain if online sources will provide supplementary materials applicable for distance courses. If electronic sources will provide material necessary for the course, students will need to be trained on how to use these sources. When training is required, librarians will need to determine if training is a possibility at the secondary library, and if online representatives or librarians will facilitate the training.

Librarians will also need to arrange training for faculty interested in creating syllabi accessible through the World Wide Web. Faculty can create course Web pages in html or depend on commercial software for this chore. Both LEXIS and WESTLAW have programs to create course Web pages that require very little training and produce professional looking pages in a relatively short amount of time. TWEN (The Westlaw Education Network) and the LEXIS Web Course in a Box will create a course Web page that automatically links to all case law, statutory law, and other secondary sources included in the syllabus. One catch: all cites need to be cited correctly or the software will not recognize them. Both programs also include an option to create threaded discussion lists to encourage students to interact with each other and the professor outside of class.

Regardless of how the course Web sites are created, students will be expected to know a range of computer skills required by the nature of distance education courses. On a basic level, students will be expected to know how to use e-mail, send attachments, search the Internet, and use online sources for research. Librarians can offer training sessions at the beginning of

the semester, or prepare a series of self-administered tests that students can pass before taking a distance education course. Faculty may also benefit from training, although few professors will admit that they need to learn basic computer skills. Librarians should be prepared to offer one-on-one sessions at the professors' convenience.

### West Virginia University College of Law Distance Education Experiments

WVU College of Law has explored how distance education would impact legal education in West Virginia and experimented with it as widely as possible as allowed by the ABA. ("Distance Education at WVU College of Law," Academic Planning Report, 7/16/98) During the spring of 1998, Professor Ann Maxey offered an advanced business law class that participated in a national "Virtual Chancery Court" via the Internet. Several professors have started the process of converting to distance education by using TWEN to create course Web pages to supplement traditional courses that include course syllabi, links to applicable Web sites, and threaded discussions lists. For the past three summers, Professor Tom Patrick has offered an experimental distance education course in Alternative Dispute Resolution (ADR) using interactive distance education technology.

In the summer of 1999, Professor Patrick delivered the ADR course from the law school's new distance education room, the Regina Jennings Distance Learning Center, which was named for a former WVU College of Law School employee whose donation enabled the College to invest in the state-of-the-art technology required by distance education. The synchronous ADR course was delivered from the WVU College of Law, in Morgantown, West Virginia, to the WVU Charleston Area Medical Center in Charleston, West Virginia. WVU is the only law school in West Virginia and is located in the northern part of West Virginia. Charleston, the state capital, is situated 160 miles away in the western part of the state and offers law students opportunities for summer and future employment. Offering the ADR course via distance education allowed WVU law students to take advantage of the many

summer job opportunities in Charleston and gain three credit hours during the evenings.

Professor Patrick used a broad range of technology to deliver his course. For example, he used course Web pages that included the syllabus and class materials, and e-mail to communicate with students outside of class time. Library materials were available on course reserve at the law school library in Morgantown and at the medical school library in Charleston. Professor Patrick taught the course primarily in Morgantown to 21 students and televised his image and voice via IViN (Interactive Video Network) and ISDN (Integrated Services Digital Networks) to 13 students in Charleston. Through the video and audio links, students were able to respond with the instructor and other students in a manner similar to traditional classroom interaction. Outside the class, students were required to consult in small groups and prepare for in-class and out-of-class exercises using e-mail or the old standby, the telephone. Classes also involved role-playing and interaction with guest speakers who worked in the Charleston area. In a report to the ABA, Professor Patrick notes that the course was an overall success, although some difficulties did occur. Most notably, student computer literacy, access, and incompatible word processors hampered the electronic delivery of course materials. (*Report to the ABA 5/99*)

With everything that is involved in preparing for distance education, is it any wonder that many undergraduate university libraries are starting a new trend by hiring "Extended Campus Services Librarians" or "Distance Education Librarians?" This is a good time to determine if additional funding is needed to support duplicate materials at the receiving library or if extra staff will be required to perform new responsibilities. The question is not whether distance education will arrive in legal education, but rather when and in what form. Until the ABA releases formal guidelines, librarians will need to consider all possible ramifications that distance education will bring to law libraries.

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