

Leaning into Uncertainty

Ensuring
Quality
Legal
Education
During
Coronavirus



Conference Report

Roundtable 2: Designing Curriculum and Programs in
a World of Social Distancing: Sections, Schedules and
Changing Circumstances





The second roundtable, titled “**Designing Curriculum and Programs in a World of Social Distancing: Sections, Schedules and Changing Circumstances,**” focused on the various practical considerations of delivering a legal education in the midst of a pandemic.

During the roundtable discussion, participants explored strategies on everything from facility and curriculum management to consideration of how to help faculty manage stress, anxiety, and burnout. Participants were specifically asked to respond to the following questions:

Question I. How do we structure an academic schedule that balances pedagogical goals and safety concerns?

Question II. How should we plan for changing circumstances and final exams?

Question III. What safety considerations must be considered in the classroom and building and how do these considerations impact academics and social interaction?

Question IV. What are the appropriate expectations for our faculty and how do we manage anxiety?

Question V. What guiding principles can we use to make decisions? That is, we know there will be changes as things progress. We are living in uncertainty. Are there core things we should remember that help us make the practical choices with which we’ll be faced?

Daniel M. Filler, Dean and Professor of Law at Drexel University Thomas R. Kline School of Law, organized the roundtable. **Joel Nichols**, Associate Dean for Academic Affairs and Professor at University of St. Thomas School of Law, and **Candace Centeno**, Associate Dean for Academic Affairs, Professor of Law, and Director of Duane Morris LLP Legal Writing Program at Villanova University Charles Widger School of Law, presented the session.



1. Facilities & safety:

- a. The capacity of buildings should be reduced;
- b. Students should be in assigned seats to facilitate contact tracing;
- c. 1L students should stay in the same room and seats while faculty rotate between classrooms;
- d. Staff must be present to ensure social distancing is enforced outside of the classroom such as in halls and restrooms;
- e. Consider how the library is to be used: just for individual study, for online classes, for students in-building, for other face-to-face classes, or for group work;
- f. Identify spaces around the building (excluding the library) to be used for online classes or group work;
- g. Consider installing plexiglass around lecterns for faculty, but recognize that it may make faculty harder to understand and it will restrict movement;
- h. Consider assigning one-way stairways and one-direction doors to classes (i.e., “in” or “out”);
- i. Consider whether the school will host recent graduates studying for the bar and, if so, where they will be placed;
- j. Classes may be held in rooms in different buildings, if other colleges at the university go “all online”;
- k. Printers should be moved to open spaces to allow for access without people being close to each other;
- l. All or most classes will need to accommodate students unable to come into the building as well as those who need but are unwilling to use public transit;
- m. Students may need to sign a code of conduct stating that they will wear masks and comply with COVID-19 protocols. Enforcement mechanisms must be considered with flexibility to distinguish between intentional and inadvertent violations;
- n. Quarantine policies may be required for students who travel;
- o. Hearing impaired students who rely on lip reading may have challenges if faculty are wearing masks. Assistance may be required;
- p. Classrooms must be cleaned, especially common “touch points” like erasers, podium computers, outlets, microphones, etc.;
- q. School may need to provide masks for students—at minimum for anyone who forgets their mask or has one that tears or snaps;
- r. Consider whether food storage and microwaves will be permitted; and
- s. Evaluate using HVAC system with negative pressure vs. positive pressure. Discuss airflow and circulation issues.

2. Timing & scheduling:

- a. Fall courses should end by Thanksgiving, so that students don’t go home, mix with family, and return to school. The break should be until January;



- b. Fall term could start early, courses could be accelerated, and fall break could be eliminated; Consider using Shawn Bayern's online tool "automatic course scheduler" (<http://essentially.net/schedule>), which automatically produces an academic calendar based on given constraints;
- c. Breaks between classes should be longer, and dismissals should be staged to avoid large crowds in hallways;
- d. Consider lengthening class days and teaching on six or seven days of the week;
- e. Determine whether to alternate days or weeks for in-person and online teaching. The school must facilitate students who have a mix of in-person and online courses. This is particularly challenging when they have an online class immediately after an in-person course;
- f. Facilitate faculty schedules to allow faculty to prepare for class(es) and conduct research;
- g. Special consideration may need to be given to faculty who have children at home; and
- h. In order to create a more engaging experience, students may be in the classroom even if the professor is teaching remotely.

3. Course and curriculum content:

- a. Focus should be on embracing the new mode, not on cramming the expectations of a traditional law school curriculum into the new format;
- b. Having classes that include both students participating remotely and others participating in person may not create a consistently good learning environment;
 - i. Different curves may be required for students learning in person and those learning remotely.
 - ii. A faculty member may need a TA to manage the remote students.
- c. Asynchronous components will be very important in order to accommodate students with children or other responsibilities at home;
- d. Schools must identify ways to accommodate students who become sick during in-person classes. Schools may need the ability to simulcast;
- e. Must evaluate Family Educational Rights and Privacy Act (FERPA) requirements and other privacy concerns related to online classes;
- f. Must resolve the tension of whether to record classes (which makes it easier for sick/remote students but may impinge on privacy and stifle discussion);
- g. Must consider Americans with Disabilities Act of 1990 (ADA) concerns for online classes, specifically, whether classes are accessible;
- h. Consider holding remote office hours;
- i. Consider the challenges of social distancing in clinics; and
- j. In-person client clinics may struggle with closed courts, etc.

4. Addressing changing circumstances:

- a. Faculty could pre-record lectures in case they get sick;
- b. Each class could have a "back-up" or "teaching buddy," from the same school or a colleague



- from another school, in place in case the instructor is out for an extended time;
- c. Consider having all faculty who are teaching a given class use the same casebook;
- d. Have an action plan in case the entire school must move back to distance education; and
- e. Create classes with curriculum primarily based in distance teaching in order to reduce the portion of the class that shifts if schools must close.

5. Grading & final exams:

- a. More assessments should occur throughout the semester to keep students engaged;
- b. The benefits of having multiple student assessments should be balanced against the burden on the professors in creating and reviewing these assessments;
- c. Consider the use of TAs for low-stakes mid-term assessments;
- d. Prioritize 1L exams for in-person testing;
 - i. 1Ls should have some in-person midterms earlier in the semester so faculty can provide assessment and feedback;
- e. Work on getting more faculty buy-in for remote exams;
- f. Find a way to get printed exams to faculty who cannot grade electronically;
- g. Reduce use of traditional exams by replacing them with papers, take-home exams, etc.;
- h. Consider adopting an honor code, if one is not already in place;
- i. Remember that if students are remote, they may be in different time zones. Faculty may consider allowing a 24-hour period for exams;
- j. The upgraded version of Examplify worked well even for timed, proctored exams;
- k. Most remote proctoring is very expensive; and
- l. Schools in states using ILG Exam360 for the bar should consider using ILG Exam360 for exams.

6. Faculty expectations & possible accommodations:

- a. Expected flexibility will require professors to design two courses (one online and one in-person), which is problematic for faculty to complete in 60-90 days;
- b. Expectations of faculty scholarship should be limited, as teaching will take up much more time;
- c. Using the expectations held for faculty before COVID-19, identify how these expectations need to be addressed/modified as a result of the pandemic;
- d. Faculty should be engaged in large faculty planning committees and in multiple meetings over the summer;
- e. Increase adjunct engagement. Adjuncts may need support in everything from equipment and technical expertise to rethinking pedagogy for distance teaching;
- f. Survey faculty about their preferences regarding in-person or distance teaching;
- g. Some faculty will be uncomfortable having classes recorded;
- h. Tenure could be extended for a year;
- i. Medical and mental health professionals should be brought in to address issues related to anxiety as well as burn-out;



- j. Faculty must be trained on key aspects on online teaching. Collaboration with university teaching centers may provide helpful resources;
- k. Faculty should be allowed to tailor teaching times for each class, in accordance with its requirements;
- l. Curriculum committee could approve different teaching modalities or “lanes” and set forth a particular set of expectations for teaching. If a faculty member teaches within a given lane, the teaching plan will be presumed approved. (Lanes could include checklists of required activities. Summer workshops may be tailored to help faculty in developing each lane); and
- m. Recruit faculty to create best practices and serve as coaches to others (provide a small stipend for this role).

7. Supporting students:

- a. In order to build the community, faculty should be encouraged to work with student groups, especially during the academic year;
- b. Provide ways for students to express how they are feeling each day;
- c. Allow students who have already registered to change schedules after accommodations are made; and
- d. Use fewer online platforms, so that it’s easier for students to adjust from class to class.

8. Guiding principles for making decisions:

- a. Conduct surveys and constantly gather information. At the same time, keep students informed, so that they can make informed decisions about leases, moving, and technology;
- b. Safety of faculty, staff, and students should be the priority. Special concern should be given to the oldest faculty as well as those with special health risks;
- c. Respect personal choices;
 - i. No one should be required to show up in person if they feel it will compromise their health and safety.
- d. Flexibility and empathy should be guiding principles;
- e. Experiential, small group classes should be prioritized;
- f. 1Ls should be prioritized since the 2Ls and 3Ls already have an established community;
 - i. Law school must comply with broader university guidelines;
- g. Ask students for suggestions on how to create community; and
- h. Look at this experience as an opportunity to train students for the future of the legal profession.

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