Legal Education and Technology II: An Annotated Bibliography

Pearl Goldman

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An Annotated Bibliography*

Pearl Goldman**

The digital revolution in legal education has engendered a large body of scholarship. To help legal educators locate materials that inform and enrich their teaching and writing, Professor Goldman offers an updated annotated bibliography of articles, commentaries, conference papers, essays, books, and book chapters that examine the impact of technology on legal education.

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Introduction

¶1 In 2001, Law Library Journal published an annotated bibliography that compiled scholarship examining the impact of technology on law schools and legal education between 1970 and 2001.¹ That bibliography is supplemented here, with annotations of scholarship published in the United States and other English-language countries between 2001 and 2008. Included are articles, commentaries, conference papers, essays, books, and book chapters addressing one or more of seven main categories into which the bibliography is organized: specific technologies, curriculum, distance education, pedagogy, law schools, the future of technology in legal education, and miscellaneous.

¶2 Entries are organized alphabetically by author within each category and subcategory and cross-referenced to other categories when appropriate.² To facilitate cross-referencing, entries are numbered sequentially. Accompanying each entry is a brief summary of the subject matter or central points discussed in the article and any additional features of interest, such as appendices, graphics, bibliographies, and hyperlinks. An alphabetical author index provides references to all entries for each author.

¶3 In compiling the bibliography, relevant material was identified by conducting searches of Westlaw, LexisNexis, ERIC (Education Resources Information Center³), HeinOnline, Current Law Index, Index to Legal Periodicals, Legal Resource Index, LegalTrac, and the Internet, including newer resources such as The Berkeley Electronic Press (bepress)⁴, the Social Science Research Network

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² Entries are listed fully under the most appropriate topic, so occasionally a cross-reference to an entry will appear before the main entry.
³ The Education Resources Information Center (ERIC) is a digital library of education-related literature, sponsored by the Institute of Education Sciences of the U.S. Department of Education. ERIC: Education Resources Information Center, http://www.eric.ed.gov (last visited Apr. 11, 2008).
⁴ The Berkeley Electronic Press (bepress) publishes several journals and provides an open access online repository for scholarly working papers, pre-prints, and forthcoming papers in various disciplines, including law. The bepress Legal Repository is located at http://law.bepress.com/repository.
Review of citations in the footnotes of works abstracted yielded additional materials.

Finally, although the goal was to produce a comprehensive bibliography within the subject area and time frame, noteworthy pieces may have been omitted unintentionally. The author regrets such omissions and invites readers to submit citations to relevant work for possible inclusion in a future supplement. This bibliography is current as of March 1, 2008.

**Acronyms**

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Full Form</th>
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<tbody>
<tr>
<td>AALS</td>
<td>Association of American Law Schools</td>
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<td>ABA</td>
<td>American Bar Association</td>
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<tr>
<td>AI</td>
<td>Artificial Intelligence</td>
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<td>ALTA</td>
<td>Australasian Law Teachers Association</td>
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<tr>
<td>bepress</td>
<td>The Berkeley Electronic Press</td>
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<tr>
<td>BILETA</td>
<td>British and Irish Law, Education &amp; Technology Association</td>
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<tr>
<td>CAI</td>
<td>Computer-Assisted Instruction</td>
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<td>CAL</td>
<td>Computer-Assisted Learning</td>
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<td>CALI</td>
<td>Computer-Assisted Legal Instruction</td>
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<td>CALR</td>
<td>Computer-Assisted Legal Research</td>
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<td>CLE</td>
<td>Continuing Legal Education</td>
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<td>CMC</td>
<td>Computer-Mediated Communication</td>
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<td>CT</td>
<td>Communications Technology</td>
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<td>DE</td>
<td>Distance Education</td>
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<td>DL</td>
<td>Distance Learning</td>
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<tr>
<td>GGSL</td>
<td>Glasgow Graduate School of Law</td>
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<td>ICT</td>
<td>Information and Communications Technology</td>
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<td>IT</td>
<td>Information Technology</td>
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<td>ITS</td>
<td>Intelligent Tutoring System</td>
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<td>ICODR</td>
<td>International Competition for Online Dispute Resolution</td>
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<td>LEDA</td>
<td>Legal Education Document Archive</td>
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<td>LRW</td>
<td>Legal Research and Writing</td>
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<td>LSN</td>
<td>Legal Scholarship Network</td>
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<td>ODR</td>
<td>Online Dispute Resolution</td>
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<td>PT</td>
<td>Presentation Technology</td>
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<tr>
<td>QUT</td>
<td>Queensland University of Technology</td>
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6. Google Scholar (http://scholar.google.com) searches a range of scholarly publications in several disciplines worldwide.
Bibliography

Specific Technologies

Communications Technology

1. Bentley, Duncan, and John Wade. “Special Methods and Tools for Educating the Transnational Lawyer.” *Journal of Legal Education* 55 (2005): 479–83. The authors describe an international collaboration run simultaneously at Bond University Faculty of Law and at a partner institution in the United States. Students at both institutions participate in simulated transnational negotiations involving IT law. After exchanging documents and opening positions via e-mail and list discussions, students negotiate by videoconference and electronic discussions. Advantages of this approach include exposure to issues involving jurisdiction, cultural perception, learning, and legal methodology.

2. Cockburn, Tina, and Tracy Carver. “Online Skill Development for Generation Y Students: A Case Study of an Online Negotiation Model for External Law Students.” *International Journal of Learning* 13, no. 2 (2007): 81–91. At QUT, faculty teaching trusts law use synchronous chat room technology to increase flexibility for external law students as they learn negotiation skills. The authors outline the project, describe its pedagogical rationale and accommodation of Generation Y learning preferences, discuss student perceptions, and explore future considerations. They conclude that an effective model would blend a range of delivery approaches and incorporate faculty reflection and review of methodology.


7. Communications Technology includes the use of computers to transmit and receive messages, documents, and information, and to engage in discussions with others. *See Richard Susskind, The Future of Law: Facing the Challenges of Information Technology* 152–54 (1996). The articles in this section discuss the use of e-mail, newsgroups, electronic discussion lists, threaded discussions, and electronic conferencing in legal education.
This paper examines and compares the use of two online forums in a property law course in Singapore. Students were more active on the inquiry forum, where they conducted fact investigations and collaborated to interview clients, than they were on the discussion forum, where they discussed legal concepts with instructors. The author offers possible explanations for these differences and makes suggestions for improvement.


Poyton describes and evaluates the use of CT to deliver two postgraduate law modules at the University of Wales, Aberystwyth. He concludes that using e-mail to replace contact time in the first module was an ineffective substitute for in-class experience and an inefficient use of instructor time. On the other hand, using a WebCT virtual learning environment in the second module actually released time for student-centered learning.


This article discusses how legal education must change in order to prepare students for a new world of digital and visual law practice. Describing their own pedagogic toolkit for visual literacy skills, the authors explain how they combine and modify aspects of traditional doctrinal and clinical teaching methods and use classroom focus groups to explore the relationship between words and pictures.


Information Technology


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9. The articles in this section focus on the use of IT in legal education. As used here, IT refers to the retrieval, management, and processing of legal and nonlegal information, using a variety of electronic resources, including online research systems, litigation databases, document assembly systems, and expert systems.
Bloxham discusses the use of ICT in conjunction with conventional teaching methods to enhance the learning experience and retention levels of nontraditional and mature students in the LL.B. program at Edge Hill College in England.


   Cobb explains how he implemented a class wiki in a first-year LRW course. He also discusses the pedagogical and practical advantages of the project, student and teacher perspectives, and assessment challenges.


   This paper examines Australian law students’ use of and success with IT. Survey results suggest that law students use IT heavily but ineffectively and cannot transfer skills to novel situations. Concluding that law schools do not educate students for the IT demands of law practice, the author presents a curriculum model that integrates IT training into upper-year courses and strengthens lifelong learning.


   In this contribution to the *Law Library Journal*’s symposium on the work of Professor Robert C. Berring, Danner reviews Berring’s scholarship on the impact of ICT on legal research, legal education, and law practice. He also examines the influence of Berring’s work on emerging interdisciplinary literature about the influences of legal information in American law. Topics include the effect on legal information of law students’ electronic research habits and the corresponding shift in the academic scholarship of legal research and legal information.


   In 2001, Leeds Law School produced its first graduates in BA Law with Information Technology. The author chronicles their progress and examines the program’s development, covering topics such as curriculum, retention, results, student and staff perceptions, and employability of graduates.

15. Hanson, F. Allan. “From Key Numbers to Keywords: How Automation Has Transformed the Law.” *Law Library Journal* 94 (2002): 563–600.

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Computer-assisted legal research has promoted a considerable change in the way law students conduct legal research. Hanson argues that CALR has encouraged students to view the law as a loosely organized collection of facts and doctrines, rather than an organized hierarchy of concepts. Consequently, students using CALR tend to focus on fact-based similarities at the expense of broader legal principles. Ultimately, such practices transform the structure and practice of law.


   Hirsh and Miller review the availability of courses covering law practice technologies, concluding that U.S. legal education has not kept pace with the IT revolution in law practice. They outline their proposal for a course at the Duke University School of Law that would give students hands-on experience with law practice and courtroom technologies.


   A survey of the impact of IT on law practice and legal education in Japan revealed that Japanese law schools have failed to keep pace with IT advances in law practice. The authors argue that these results require reform of Japan’s legal education system to prepare graduates for developments in IT. They also introduce steps taken to implement similar surveys in Australia.


   This article examines trends in European higher education, focusing on the role of IT in the internationalization of legal education and law practice. The author outlines pedagogical considerations for applying IT in postgraduate European legal education and provides examples of its use. To summarize potential applications of IT in legal education, he offers diary excerpts written by a future Danish law student.


   Asserting that law schools have failed to make students aware of the importance of informational concepts, problems, and solutions, Mock explains how first-year courses may be revised to incorporate information-age perspectives and interests.


   Noveck challenges legal education’s aversion to student use of and participation in publicly authored wikis. Analogizing Wikipedia to a multi-author treatise, she
explains wikis and discusses their advantages as research sources, active learning tools, and collaborative instruments of social justice. The author advocates teaching law students not only how to read wikis critically and verify facts, but also how to write them and correct errors.


   LawNet is a nonprofit organization offering a legal informatics portal in East Africa. Its recent initiative to establish the East African Legal Information Institute is the subject of this article, which considers, among other things, the relationship between legal informatics and legal education. The author stresses the urgency of teaching East African law students to navigate, retrieve, and use electronic information, both to revitalize legal education and practice and to remain competitive in the new global order.


   Polding writes about the integration of e-learning resources into law courses at the Oxford Institute of Legal Practice. She discusses planning and piloting, feedback and assessment, and effective resource management. She also highlights resources used, including an open source VLE, webcams, podcasts, interactive discussion boards, chat rooms, and e-portfolios.


   Drawing their inspiration from the theory of science education, the authors explain a three-dimensional approach to teaching law students to interpret and evaluate evidence. This computer-based modeling system seeks to teach law students to interact with scientific experts and to translate what they learn about scientific evidence into a format appropriate for legal proceedings. The authors explain the advantages of their system over conventional AI tutoring software, introduce their prototype, and describe plans for this prototype.

28. Spencer, Maureen, John Spencer, and Penelope Kent. “Practitioners’ Use of Online Law Reports: Implications for Law Schools.” Web Journal of Current Legal Issues, 2002, no. 2, http://webjcli.ncl.ac.uk/2002/issue2/spencer2.html. A survey conducted at Middlesex University Business School revealed that only a minority of law students were using online case reports despite extensive use by legal practitioners. Attributing this result to unfamiliarity with electronic sources, the authors examine the issues raised for legal education, particularly the extent to which law schools need to teach students to analyze and discriminate in investigating sources of law.


30. Aleven, Vincent. “Using Background Knowledge in Case-Based Legal Reasoning: A Computational Model and an Intelligent Learning Environment.” Artificial Intelligence 150 (November 2003): 183–237. CATO is an Intelligent Tutoring System designed to teach law students the skills of case-based legal argument. The author’s study compared CATO’s argumentation model and instructional environment in a legal writing course with the best traditional legal writing instruction. Although results indicate that CATO is effective in teaching basic argumentation skills, he concludes that a more integrated method is required for students to transfer these skills to increasingly complex contexts.


11. As used in this article, Instructional Technology includes the design, development, use, management, and evaluation of technology resources for teaching and learning law.

12. Artificial intelligence is concerned with the development of computer systems that can model or simulate intelligent behavior by performing tasks and solving problems ordinarily thought to be within the exclusive province of human intelligence. SUSSKIND, supra note 7, at 120. As used in this section, AI includes expert and knowledge-based systems that guide users through complex legal issues, analyze problems and draw conclusions, formulate strategies, and assemble documents.

13. An Intelligent Tutoring System seeks “to automate the human tutor’s role, which is to prod, hint, ask leading questions or ask for justifications, and guide the problem solving with just the right amount of intervention and feedback to keep the learner on track.” Suzanne Ehrenberg, Legal Writing Unplugged: Evaluating the Role of Computer Technology in Legal Writing Pedagogy, 4 LEGAL WRITING Unplugged 30 (1998) (quoting Randy Kaplan & Denny Rock, New Directions for Intelligent Tutoring, AI EXPERT, Feb. 1995, at 30).
The authors describe a planned experiment to evaluate the extent to which law students’ study of Supreme Court oral arguments can be improved by providing detailed and specific self-explanation prompts. The data will provide guidance in developing an AI model to be used in an ITS.


   This article describes the CATO curriculum (see entries no. 30, 33, and 310) and illustrates its use of AI techniques to teach law students how to make analogical legal arguments with cases.

   Ashley and Levine compared different versions of CATO (see entries no. 30, 33, and 310) to determine which version best helped law students learn how to distinguish case precedents. The original version employed a didactic explanatory dialogue. The newer version, CATO-Dial, uses simulated dialectic argument in courtroom settings. The authors conclude that students who engage in simulated argument learn better than students who receive interactive explanation.

   LARGO (Legal ARgument Graph Observer) is an ITS that uses Supreme Court oral arguments to help law students develop the skill of reasoning with hypotheticals. Students diagram arguments in graphical language and receive feedback in the form of reflection questions. The authors report that lower-ranked students (as measured by LSAT scores) outperformed their control group counterparts who used traditional notepad-and-highlighting methods.

   Balleste reviews the basics of constructing an AI agent for a law library, using 2001: A Space Odyssey and The Time Machine to explain AI technology. The AI agent would be designed to answer reference questions and to carry out routine circulation and technical services tasks. Balleste discusses why law libraries have been slow to adopt this technology, explores concerns about AI agents, and emphasizes that a library’s input in designing and programming an AI system is a vital element of its success.

*QuestMap* is collaborative-argumentation software designed to improve legal argument skills. This book chapter documents a study examining its value in teaching legal argument and collaborative problem solving to second-year law students. Carr found no significant difference in argument skills between students who used *QuestMap* and their counterparts who did not. He concludes that because law students are already skilled in argumentation, such software supports the discussion process but not the development of argumentation skills.


In 2001, Cass Sunstein wrote that computers could not engage in analogical legal reasoning because they were not yet able to make evaluative choices. Challenging this assertion, Engle provides examples of analogical reasoning in computer programs and introduces a program he wrote to assist in teaching tort law.


Gibbons used *Sheldrake Developer*, a freeware AI program, to create an assignment for his torts class. The assignment required students to use interactive computerized conversations to guide each other through concepts and rules. He concludes that performance on the final exam essay was markedly superior to that of past classes because the assignment gave students the opportunity to explore the reasoning process.


Gordon argues that the discrete discipline of AI and law should be integrated into legal education and research as a component of legal theory. He examines the consequences, risks, and challenges of this proposal for legal education and for collaboration with computer science.

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CASE (Case Analysis and Storage Environment) is a web-based instructional environment that allows law students to practice finding and analyzing judicial decisions. After describing the program’s design, implementation, and operation, the authors take the reader through a typical session with CASE, accompanied by graphical representations. They also outline areas for future research.


Muntjewerff argues that the design of electronic instructional materials for law students should be based on outcomes from basic, applied, and integration research, actively linked to research in both AI and law and AI and education. She presents her research agenda and describes two research projects within the HYPATIA program (see entry no. 44): PROSA, which teaches the skill of legal problem solving, and PAT, which teaches the use of legal precedent.


The goal of the University of Amsterdam’s HYPATIA project is to design new computer-assisted instructional materials for law students who experience difficulty learning law and acquiring legal skills. This article explains how HYPATIA uses AI models in designing instructional environments for learning legal concepts, legal problem solving, and legal reasoning.


The authors report on a pilot study of an ITS designed to assist law students in constructing legal arguments. Students create graphical models of U.S. Supreme Court oral argument transcripts. When the system detects structural, context, and content weaknesses in these models, it presents students with a self-explanation prompt. Graph grammars handle structural and context weaknesses, while a collaborative filtering approach handles content weaknesses. The authors explain why this type of feedback is both novel and effective. They also present plans for future research based on pilot studies.

This paper describes a work in progress within the transactional learning environment at Glasgow Graduate School of Law. Specifically, the authors discuss the development of the Civil Court Action, a project in which student law firms raise or defend civil actions within the virtual town of Ardcallop. (See entry no. 71) Describing how a virtual Sheriff Court is integrated into the project, they explain the pedagogic rationale and models on which their work is based, the practical implications of the project, and plans for future development. Screen shots show the Virtual Court Action Tutor Workspace that provides the interface between members of the Ardcallop community.


Lancaster University’s Virtual Learning Environment (LUVLE) was designed with Lotus Domino software to promote collaborative, networked learning that emphasizes problem-solving activities. The authors evaluate LUVLE’s production, development, implementation, and pilot in a first-year law program. They address its structure, pedagogy, organization of resources, staff development, student training, technical problems, feedback, and future advances.


This paper describes the development and implementation of a first-year legal methods module at Edge Hill College of Higher Education in England. The module, which included embedded reflective learning, was delivered via classroom and online activities. The authors explain the rationale for their approach, discuss the advantages of using a VLE such as WebCT, and present a preliminary evaluation based on student feedback, tutor evaluation, and student performance.


This paper describes the use of a VLE platform, WebCT, to embed personal development planning and reflective learning within a first-year undergraduate

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15. As used in this section. “Electronic Course Materials” includes class readings, assignments, casebooks, textbooks, workbooks, and similar learning resources published in digital or electronic format, either online or on disk. It also includes what is known in the United Kingdom as “courseware,” i.e., an “electronic collection of multimedia-rich learning materials combined with varying levels of tutorial interactivity, which can be independently accessed by learners at any time and used at their own pace . . . on CD-ROM, over an intranet or through the Internet.” UK Centre for Legal Education, Using Courseware for Teaching Law, http://www.ukcle.ac.uk/resources/ict/courseware.html (last visited Apr. 11, 2008).
law module at Edge Hill University in England. Assessment tasks were re-designed to align learning activities, learning outcomes, and the restructuring of the personal tutor system to support the assessment process. The paper outlines the pedagogy and underlying methodology, reports the results of student evaluations of their learning experience, and identifies challenges faced. Drawing on student feedback, tutor evaluations, and evidence of student performance, the authors evaluate the use of the VLE in this module.

Predicting the demise of the casebook as the centerpiece of legal education, Bodie proposes that law faculty implement an open-source approach to course materials. He examines the open-source movement and its potential for developing electronic commons casebooks that will permit collaboration, individuality, variety, and flexibility. Concluding, he outlines the mechanics of such a project and addresses potential problems and solutions.


The Inns of Court School of Law in England introduced e-learning to deliver Bar Vocational Courses to full-time students. Chapman explains how *SynchronEyes* software is used to broadcast to students’ networked computers, while *WebCT Vista* 2 is employed for online modules, quizzes, and discussion boards. He also evaluates the effectiveness of e-learning technology, underlines its strengths and weaknesses, and proposes methods of maximizing its benefits.

In 2001, the University of Technology, Sydney introduced *Blackboard* software to facilitate flexible delivery of courses online. When Taylor adopted *Blackboard* for her courses, she was mentored by Childs, an experienced technology user. After discussing the mentoring process and relationship, the authors describe the software and share their insights about the methodology and benefits of online education.

The author shares his experiences using ICT to deliver undergraduate law courses in the LL.B. program at the City University of Hong Kong. After a selective review of relevant literature, he describes his own web-enhanced instructional methods and reflects on lessons learned. Concluding that VLEs should be used to supplement rather than replace classroom learning, he advocates using
web-based instruction to promote learning outside the classroom, facilitate communication between students and teachers, and improve students’ technical and writing skills.

   This book chapter examines the development and use of VLEs in legal research courses. Topics include the relevance of e-learning theories and learning styles to VLE design; advantages and disadvantages of VLEs; tools available for skills acquisition; course design, development, delivery, and evaluation; student assessment and support; collaboration between instructors, library staff, and IT staff; and digital copyright and inter-institutional sharing of materials. Illustrations provide examples of VLE activities and survey instruments.

   The authors examine the process by which librarians at the University of the West of England developed an online interactive guide to enhance the legal information literacy skills of law students in bar vocational and legal practice courses. The guide includes audio-enabled database demonstrations, video clips, interactive database tutorials, and interactive quizzes with immediate feedback.

   The shift to on-screen reading has radically changed the reading experience for law students. The challenges of teaching and learning with computer-generated text are explored by the authors, who discuss the differences between electronic and print reading and describe their classroom experiences with on-screen reading. Concluding that the benefits of this medium outweigh the drawbacks, they present solutions for helping students and improving their critical reading skills in this format.

   Dailey addresses the advantages and pedagogical implications of using an online writing center to meet the academic and extracurricular needs of student writers who may feel marginalized by their law school experience, including mature experienced writers, first-generation college students, and students for whom English is a second language.

   Donahoe developed *TeachingLaw.Com*, an online e-text that combines nonlinear text, interactivity, immediate feedback, and multimedia content. Her article discusses its features and explains its use in the LRW classroom.

Heminway evaluates *LexisNexis Web Courses* and TWEN, two web-based course management systems. She discusses the pedagogical factors underlying her decision to use them and describes how she addressed these factors by selecting certain features of each system in her courses. She concludes that course management systems bridge the technological gap between professors and students without forcing faculty to alter their teaching material or methodology.


This book chapter describes a corporate law course taught in Australia. The course web site uses *Pathways*, a navigational tool providing a structured and annotated map of Internet resources. The authors explain how they use these resources in five learning activities. They conclude that combining online learning with a student-centered approach promotes active learning, subject mastery, and development of electronic research and literacy skills.


Hunter explains an interaction model of teaching and learning that uses web-based multimedia. To demonstrate its use in distance or flexible legal education, he provides examples developed at the University of Melbourne Law School, such as a multimedia course book and web-based multimedia simulation systems.


Laurence recounts his experience using *LexisNexis Web Courses* to create virtual casebooks in his bankruptcy and debtor-creditor relations classes. After discussing the limitations of commercial casebooks, he evaluates the use of web-based materials. Advantages include cost-savings and flexibility. Disadvantages include problems with network access, students’ penchant for printing, and time spent on a project that is not regarded as scholarship.


The stated goal of this article is to encourage law faculty to produce interactive teaching and learning materials and to share their experiences with e-learning. To this end, Le Brun describes the development of an interactive, multimedia CD-ROM designed to teach legal ethics and professional responsibility to law students. After detailing the production process, she outlines challenges encountered, lessons learned, and future projects.

Le Brun provides a guide to creating multimedia teaching and learning materials. With a team of colleagues and students, she designed a CD-ROM to enhance student learning of legal ethics and professional responsibility in Australian law schools. The interactive multimedia package included videos accompanied by questions and answers, games, text, and alternative dialogues. Appendices describe project team members, their functions, and the video development process.


This article explains how legal educators can help law students develop the skill of reflective practice in an online environment. After considering the content and importance of reflective practice, the authors outline the WebCT module they developed for the Graduate Diploma in Legal Practice at the Australian National University. They also discuss the technological and administrative problems encountered in designing the site.


The University of Southern Queensland delivers instructional materials to on-campus and external law students via CD-ROM (*Law CD*). This paper describes how the *Law CD* combines problem-solving techniques and hyperlinked legal resources in an integrated multimedia environment. It also discusses the model used to evaluate the impact of this learning environment on students and to assist in fine-tuning the design and delivery of resources.


This paper describes the development, use, and effect of web casts at two law schools in Scotland. Cautioning that successful web casts require considerable planning, the authors outline the issues they had to consider in order to construct more interactive and thoughtful learning environments. Graphical representations of the web cast environment are included.


This paper reports interim results from a project (see entry no. 68) that tracked student use of web casts at two law schools in Scotland. The authors describe the evolution, design, management, and operation of the web cast environments.
They also analyze user data and consider student suggestions and reflections on the usefulness of the web cast environment. Appendices list web cast projects, explain methodology, and provide a student log template.


The authors report on their study of the variation and quality of student learning in a VLE structured around video lectures at the GGSL. In this article, they outline the process of (1) embedding video lectures with text, learning activities, and hyperlinked resources and (2) preparing the finished product for web casts or CD-ROM. They also present the results of their extensive study and consider student feedback.


At the GGSL, students are divided into law firms, each with a web page containing the resources required to practice law in the virtual town of *Ardcalloch*. This article describes student projects, outlines challenges, and suggests the role that law librarians might play in the process. Screen shots show the history and map of *Ardcalloch*, correspondence timelines in the negotiation project, and the initial drafting assessment.


The author discusses the increasing use of IT in legal education, focusing on VLEs that incorporate multimedia simulations. He describes the GGSL’s web-based virtual law firm and multimedia units on legal writing, legal drafting, interviewing, negotiation, and advocacy.


This contribution to the scholarship on the GGSL’s virtual legal community focuses on a web-based negotiation project. Maharg describes the project, technology, student feedback, start-up costs, and pedagogical benefits.


The GGSL uses virtual simulation to enhance student learning. In this online environment, students play the role of solicitors in a virtual town. Maharg describes the context and development of the project, its use of specific technologies such as *Microsoft SharePoint Services*, and its cross-subject application. He also discusses the pedagogy of creating a virtual community that is both a learning management system and a problem-based learning environment.

To design and test e-book technology, the authors studied the activities of law students preparing for a moot court competition. Based upon their observations, they used XLibris analytic reading software to design a prototype that ran on a pen tablet computer. They report that the advantages of a standalone reading device are outweighed by the need of law students to integrate reading with other complex activities. The evolving redesign produced a “document laptop” that integrates wireless access with reading, navigation, retrieval, annotation, and organization.


Faculty at QUT integrated problem-based learning into a computer-based law module. This article discusses the module and addresses pedagogical concerns, design issues, and benefits of using technology to teach legal problem solving.


In this book chapter, the executive director of the Center for Computer-Assisted Legal Instruction examines CALI’s role as community builder, legal educational publisher, and software developer. He describes the ideal CALI lesson and the lesson-writing process, explains how CALI engages the legal education community, and discusses software development supporting its mission.


This article reviews the usefulness of the Blackboard VLE in Dutch legal education by querying how law students and faculty would be affected if VLEs were to be unplugged. Concluding that a VLE’s success depends upon design of the resources delivered, the authors examine the elements of effective design and discuss requirements for converting VLEs into learning management systems for legal education.


A study conducted in the Netherlands investigated whether providing support to law students would improve legal interviewing skills. The control and experimental groups received the course textbook and multimedia CD-ROM, but the experimental group also received interactive support. The experimental group outperformed the control group in the legal advice task but no differences were discerned in fact-finding. The authors consider the implications of these findings for the use of ICT in legal skills instruction.

This paper describes Answer Styles, an interactive writing tool developed for undergraduate students at Monash University in a business law unit. The tool was developed with Macromedia’s Flash for use with WebCT and was designed to help students construct reasoned written responses to legal problems. Unlike conventional model answers, Answer Styles provides each student with an individualized, interactive model answer. After reviewing student feedback, the authors conclude that Answer Styles could be used in many disciplines.


This book chapter examines Iolis as a collaborative, technical, and pedagogical development. Paliwala explores factors leading to its success and the issues facing courseware as legal education moves into an era of managed and virtual learning environments. Topics include the development of Iolis, its teaching approaches, technical environment, production process, implementation, and future.


Iolis is an interactive multimedia resource designed for LL.B. students by a consortium of UK law schools. Paliwala reviews its origin, development, and pedagogic approach and describes its technical environment and implementation. He calls for a reconceptualization of Iolis from its current content-based approach to a learning development resource that could be customized and shared in an online collaborative commons.


Moodle (Modular Object-Oriented Dynamic Learning Environment) is a free, open-source VLE that promotes constructivist learning. Polding discusses her experiments with Moodle in the legal practice course at the Oxford Institute for Legal Practice. She explains how she uses the software to support a blended approach that integrates traditional lectures and interactive group work, using preparatory and follow-up exercises, webcasting, and podcasting. She concludes that using a VLE in a blended environment that combines e-learning with traditional methods will promote low-cost development and experimentation and enhance legal learning.


At two law schools in the Netherlands, students work in a virtual legal aid clinic. They use an interactive multimedia CD-ROM and a web-based client file to interact with attorneys, participate in office meetings, handle client files, plan case strategies, and attend court hearings. The authors observe that the course has reduced teacher workload, increased student motivation, and provided a needed resource for teaching advocacy skills in DL programs.


This report explores the benefits and drawbacks of introducing the Internet into the curriculum at the Adelaide University School of Law. After discussing web sites, discussion forums, and online tutorials, Richards reports results of a survey of student acceptance and perception of the online learning program. She concludes that technology is an effective tool when properly integrated with traditional teaching, but cautions that successful integration requires structured preparation and training for students and faculty. An appendix sets forth the survey instrument.


This paper describes the integration of classroom and online learning at New Zealand’s University of Waikato School of Law. Students in the law and IT course used a web site to access lectures, notes, interactive discussions, a web site evaluation tutorial, and a research portal. The author describes course design and development, introduction of new teaching methods, pedagogic foundations, and student reactions.


Shaw explains how she uses her course web site for course management and teaching outside of class time. Administrative uses include scheduling conferences and providing access to course materials. Academic uses include interviewing clients, posting collaborative exercises, and providing a threaded discussion list.

Durham University’s Centre for Law and Computing developed a self-paced learning package to provide advanced legal research training. Eschewing traditional courseware authoring tools, Widdison created the Iolis-style web-based workbook with Macromedia’s Dreamweaver 4 and CourseBuilder. He describes the prototype’s development, content, and advantages and explains how he used feedback to revise and improve the web site.

Film and Television


Austin discusses ways in which the study of documentary films might be incorporated into scholarly writing and courses covering practical skills, the visual arts, and visual legal advocacy. She advocates addressing documentaries as critical legal texts, examining the context in which documentaries are produced and distributed, and teaching the production and critical reception of documentary or nonfiction films.


Bergman considers the advantages and pedagogy of using law-related television shows and films to teach problem solving in an evidence course. He offers suggestions for using this technique effectively and discusses examples relevant to specific evidentiary topics.


Describing his Lawyers and Film course, Elkins discusses the pedagogical role of film in helping law students develop professional skills and personal enrichment. Appendices set out the structural elements of the genre of lawyer films, questions raised about the pedagogy of lawyer films, and a working list of films for a jurisprudence film course.


In his Lawyers and Film course, Elkins uses a pedagogical approach to film criticism, which he describes here. This approach treats lawyer films as educationally instructive texts and provides law students with strategies for challenging traditional views of lawyering. As he attempts to bridge the gap between teaching legal films and the conventions of legal film criticism and scholarship, Elkins argues that “we know far less about the effects of popular culture on law and lawyering than we would like to think we do” (p.747).

95. Golann, Dwight. “Using Video to Teach Negotiation and Mediation.” *Dispute Resolution Magazine* 13, no. 2 (2007): 8–11. (See entry no. 205.)

   This essay explores the use of film to enhance coverage and stimulate discussion in a mental health law seminar. Hall discusses the pedagogical benefits of this approach, provides examples of its use, and offers options for assigning films as coursework. An appendix provides additional resources on film and mental health issues.


   Hampton examines the use of multimedia in the classroom. He first discusses pedagogical advantages, specifically referring to film and television clips that would be useful in teaching contracts. He then considers copyright problems created by the educational use of multimedia materials and the extent to which the right of publicity limits the use of a celebrity’s name or likeness.


   This essay analogizes the critiquing techniques used on popular reality programs to the critiquing techniques used by legal writing professors. The author provides examples of specific critiques from *American Idol* and *Project Runway*, organized under four basic principles of effective student critique. He concludes that watching the response of contestants to different critiquing approaches can help law faculty appreciate how to conduct a critique in a manner that inspires students.


   Klein explains how law faculty can use film, television, and music to engage students, stimulate learning, create challenging exam questions, and add interdisciplinarity to doctrinal courses.


   In this article, a teacher and student explore the effective use of visual texts in a criminal law course. They explain how documentary films enhance pedagogy by providing visual context for case law and doctrinal concepts, contributing visual problems and hypotheticals for analysis, and raising issues that casebooks often fail to address.


   Popular film can serve as an effective instructional tool in a health law class. Pendo’s essay provides a guide to using the movies *John Q.*, *The Rainmaker*, and *Critical Care* to enhance coverage and stimulate discussion of legal and policy issues surrounding health insurance and access to care.
Presentation Technology


This article describes the trial of an audience response system in a real property course at QUT. Students used a keypad to reply to questions or statements presented on PowerPoint slides. Burton explains how the system creates an interactive learning environment for content delivery and skills development. After considering student feedback and resources needed for this technology, he gives advice to professors contemplating its use.


The author provides guidance for the effective use of PowerPoint in law teaching. Her practical advice is offered in four main “pointers”: (1) have a specific purpose; (2) consider atmosphere; (3) limit content; and (4) maintain context.


This book chapter, which discusses the design and use of lesson plans and teaching aids in legal research courses, includes a section on PT. It covers overhead transparencies, PowerPoint, data projectors, LCD panels, and videotapes. It also addresses advantages and disadvantages of PT, checklists for good design practice, room and equipment preparation, and consideration of students who have difficulty seeing or hearing.


This article reports the findings of a survey and case study conducted at Australia’s QUT on the impact of PT on student learning. The authors use their findings to offer advice to legal educators considering the use of PT and to suggest design principles and delivery techniques. They caution educators to subordinate the technology to teaching and learning goals, rather than allowing the technology to determine those goals, and to engage in an ongoing process of evaluation and reflection.


Galves examines the advantages of using computer-generated images and text to provide a visual supplement to classroom discussion. He responds to com-

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16. As used in this article. “Presentation Technology” refers to the hardware and software used to integrate text, graphics, audio, and video into classroom presentations. PT includes Microsoft PowerPoint, Corel Presentations, document cameras, and interactive whiteboards.
mon criticisms of PT and offers suggestions for using it to its full potential. He observes that while technology will never replace law professors, those who do not use PT may be replaced by those who do.


This article describes and evaluates interactive teaching strategies used in large lectures. The author focuses on the use of PT to engage students in the learning process, to improve comprehension, retention, and critical analysis, and to achieve learning objectives. She offers her personal reflections on her teaching experience and reports dramatic improvement in student performance.


This article addresses the relationship between the reluctance of legal educators to adopt new classroom technologies and the gap in their understanding of cognitive processes. The author surveys recent research in cognitive science and applies these principles to PT. Using three principles of learning theory, she offers ten guidelines for improving PT in the law school classroom. She then examines how cognitive science and technology can interact to improve legal education.


Murley discusses criticisms of PowerPoint, suggests solutions, and provides strategies for using PT more effectively. The article includes a list of sources that take a visual approach to presentations.


In this short piece, Murley evaluates and compares two software packages for creating video tutorials and presentations: Camtasia Studio 4 and Adobe Captivate 2.


The author conducted a study of the pedagogical effectiveness of PowerPoint at Osgoode Hall Law School in Canada. Some professors believed that PT increased participation; others felt that it discouraged preparation. Their course evaluations were unaffected by whether they employed PT in class. The study did not support student perceptions that PT enhanced learning; neither did it suggest that only engaged learners would benefit from PT.


Even dedicated PowerPoint users occasionally find this technology too linear when group work and brainstorming require a more flexible approach. The
authors describe how they solved this problem by using SMART Board technology in their legal writing classes to project documents, class contributions, student work, and in-class edits onto a screen for all to see.


Smith challenges the perception that the Socratic method is incompatible with the teaching of synthesis in a legal writing course. He explains how computers and data projectors can be combined with Socratic dialogue to guide students through the complex process of synthesis. The resulting visual focus and context help students follow the dialogue while remaining responsible for finding and articulating answers.


This is a bibliography of selected publications and web sites addressing the role of PowerPoint in legal education. Cited materials include course applications, pedagogical critiques, and guides for creating presentations.

Simulations and Games


In this book chapter, Barton and Maharg examine the research into scientific discovery learning in medicine and science and describe the parallels between this research and their e-simulation environment at GGSL. They argue that the pedagogical effectiveness of e-simulations in law schools depends on the design of learning outcomes, the type of simulation field, and the organization of communities of practice.


This article explores simulations as authentic learning activities that correspond to the world of law practice. The authors describe the SIMulated Professional Learning Environment (SIMPLE), an open-source, open-standards transactional learning environment currently under evaluation at GGSL. They argue that such projects are essential to legal education and discuss future developments that will

17. Simulations are indirect, vicarious experiences that attempt to recreate live-client situations by the technique of role-playing. GERALD F. Hess and STEVEN FRIEDLAND, TECHNIQUES FOR TEACHING LAW 193 (1999). In legal education, a computer simulation is a digital environment representing aspects of a legal reality in which a user can create and manipulate data to learn legal concepts, procedures, and values. Although similar, games involve a competitive component and may require several students to participate. Michael A. Geist, Where Can You Go Today? The Computerization of Legal Education from Workbooks to the Web, 11 HARV. J.L. & TECH. 141, 151 (1997).
enhance the authenticity of simulation. An appendix outlines the phases, outputs, and outcomes of the SIMPLE Project.


STream Indexing and Commenting System (STICS) is a software system that allows professors to attach written comments to streaming video for students to review. This conference paper explains how the authors used STICS in role play exercises at Nagoya University’s Graduate School of Law in Japan. They conclude that STICS supports the use of simulation as a teaching method because it offers an individualized learning environment and facilitates reflection and analysis.


This conference paper updates an earlier case study (see entry no. 117) on the use of STICS to facilitate reflection and analysis in law school simulation exercises in Japan. The authors discuss improvements to the system and explain their strategies for overcoming student reluctance to share their comments on the video clips. They also describe class design and discuss the effects of STICS based on the results of questionnaires and comments. They conclude that sharing comments within STICS’s collaborative learning environment is an important aspect of learning professional legal skills.


Adventures in Contract Law is a web-based CD-ROM game package developed for law students at City University in Hong Kong. Le Brun describes the educational goals and learning outcomes of the CD-ROM, explains how the games are played, and suggests how legal educators can use online games to enliven their teaching. Screenshots are included.


The Chinese University of Hong Kong Law School admitted its first LL.B. class in 2006. As part of an initiative to recruit applicants, a team from the law school and IT services developed an online game called The Gold Rush: Mining the Law.
This conference paper describes the game’s design, features, and electronic scoring. The authors also discuss the game’s learning outcomes, participation and motivation, survey results, and lessons learned. An edited version of the online survey is included.


Maharg explores the theme of authenticity in electronic experiential learning. He describes the VLE at GGSL and explains how it enables students to practice simulated transactions that correspond to the world of law practice.


At GGSL, the virtual town of Ardcalloch is the backdrop for TLE 2.0SIMPLE, a project to develop an open-source application that places legal learning within authentic professional environments. The authors chart the progress of TLE 2.0SIMPLE and situate it within the wider discipline of simulation learning. They also describe its context, ambitions, and challenges and argue that such projects are critical for the future of legal education. An appendix sets out project phases, outputs, and outcomes.


This paper examines the role of computer games technology in legal education and its potential for modernizing legal systems. Schiavetta posits that games enhance learning, which in turn produces more advanced legal practitioners and, eventually, improved law-making processes. An appendix lists computer games programs in use at the time the paper was written.

Tutorials (CAI or CAL)18


Teach Yourself Legal Research is an online interactive tutorial for non-law students at the University of New South Wales who are studying legal subjects as

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18. As used in this section, “tutorials” include computerized drill-and-practice exercises, programmed instruction, and multibranched lessons that emulate Socratic dialogue. See Margaret M. Hazen and Thomas Lee Hazen, Simulation of Legal Analysis and Instruction on the Computer, 59 Ind. L.J. 195, 200 (1983-84). These programs are referred to in the literature as computer-assisted instruction (CAI) or computer-assisted learning (CAL).
part of a program in another discipline. This paper describes the genesis of the tutorial project and analyzes its content. Law faculty and academic law librarians who are contemplating designing similar tutorials will find this article useful.


PETE (Professional Ethics Tutoring Environment) is a web-based tutoring program that uses a case-based approach to teach professional ethics. This paper describes and illustrates how students use PETE to prepare cases for class discussion, practice methods of moral reasoning, and compare their work with peer responses. After explaining how PETE could be enhanced by AI techniques, the authors discuss how to evaluate the program’s effectiveness.


The pedagogical principles underlying prerecorded, self-guided museum tours, such as that used in the cellhouse tour on Alcatraz Island, can be applied to teach students how to use the law library. Discussing the limitations of bibliographic and process-oriented research exercises, Levy suggests that prerecorded tours combine the best aspects of both methods to make research instruction more interesting, encourage active learning, and help students develop better research skills.


The Adelaide Law School Intranet for Collaborative Education (ALICE) is an online tutorial system focusing on participation and collaboration. Richards discusses its development and implementation and examines student survey responses revealing resistance to Internet-based teaching. Concluding that comments reflected students’ lack of understanding of the program, she suggests teaching them about its goals and benefits. A postscript introduces a revised program that integrates ALICE into the Blackboard platform.


Schafer evaluated and compared online law tutorials in Germany and Scotland. His goal was to investigate whether online teaching methods developed in one jurisdiction can be successfully exported to a law school in a different jurisdiction without interacting with the doctrinal law of the host jurisdiction. He reports that German online teaching methods worked well in Scottish law schools when differences between jurisdictions were at their greatest but failed when the two systems were most similar. Schafer observes that the interdependence of legal education and doctrinal law poses difficulties for global legal education delivered entirely over the Internet.

Schafer compares three CAI tools used to teach law: IOLIS, used in the UK, and LernsystemPro and LIMBO, used in Germany. To assess cross-border transferability, he analyzes each tool in its own cultural, educational, and historical context. His comparison highlights the differences in civil and common law jurisdictions and in the legal education cultures of both countries. He concludes by applying a comparative law approach to evaluate the three CAI systems.


In 2004, the College of Law in England replaced all face-to-face lectures in the Legal Practice Course with interactive multimedia tutorials. These i-Tutorials combine a video presentation with learning materials, resources, and images. Simmonds reviews the development of e-learning at the College of Law and describes the i-Tutorial software’s design process and key features. He also highlights the pedagogical advantages of i-Tutorials, reports student feedback, and discusses future development.


This article describes the development, delivery, and evaluation of the Legal Information Skills Tutorial (LIST), a self-paced web tutorial developed at the University of Melbourne Law School to teach legal research skills to first-year LL.B students. LIST uses movies, textual guides, simulated searches, and quizzes in a series of interactive modules. The authors describe the development and delivery of the tutorials and evaluate LIST’s successes and shortcomings.


At the University of Melbourne Law School, LIST is an online multimedia self-paced program used to embed information skills in the legal research and writing course. Updating an earlier study (see entry no. 131), the authors report the results of formative and summative evaluation, explain the objectives of their evaluation strategy, and describe areas for improvement. They attribute LIST’s success to its interactivity and integration with course content and to collaboration between librarians, law faculty, educational designers, and language and learning skills professionals. Screen captures are included, and appendices reproduce the observation form and quiz questions.

**Miscellaneous Instructional Technologies**

The author discusses pedagogical reasons for incorporating technology into law teaching and suggests ways for novices to use technology. Topics include e-mail, discussion boards, PT, audio files, and course management software.

   Davidson chronicles his experiences over a decade of legal education and describes some approaches and learning theories available to law professors. He discusses course web pages and electronic course materials, e-books, presentation software, video-streaming, and Microsoft Agent technology. An extensive bibliography is included.

   The authors evaluate the use of a wiki environment in legal education and describe its application in a cybercrime course in the Netherlands. They demonstrate that wikis enable students to use advanced CT to collaborate in the processes of learning and reflecting on the use of legal resources. They conclude that innovative use of wikis requires pedagogic insight into educational design and best practices.

   e-See (Embedded Streaming Video for Legal Problem Solving) is a web-based instructional environment developed within the HYPATIA research program (see entries no. 43 and 44). Its purpose is to train law students to extract and describe relevant facts as part of legal problem solving. e-See integrates streaming video from a Dutch television program, *The Mobile Judge*, to provide students with the real life situations they would encounter in law practice. The authors describe e-See’s design and interface and their plans for future research.

   Mind mapping is a technique for visually organizing and working with complex information. Murley explains how law librarians can use mind mapping in their teaching and other activities and discusses the benefits of mind-mapping software. An appendix reproduces the mind map used by the author when writing this article.


   Sellers reviews the ways in which law libraries are using podcast technology. Examples include class lectures, supplemental class materials, graded assignments, legal research guides, recordings of special events or lectures, and public podcasts for alumni.

Curriculum
Clinical Legal Education


The authors created a web-based representation of a pedagogical method used in Ansley’s service learning offering at the University of Tennessee Law School. They present the project from four perspectives: as a web-based teaching portfolio; as a teaching tool; as an example of collaboration between a law librarian and a law professor; and as a chronicle of the design and construction of a web site.


In part III of this article tracing the development of clinical legal education in the United States, the authors examine the effect of technological advances on clinical programs. They address opportunities for expanding externship offerings and improving simulated skills instruction, the need to keep pace with law practice technology, and the difficulties of adapting clinical methodology to a digital environment.


This article advocates collaboration between clinical faculty and law librarians to integrate practitioner research skills into the clinical curriculum. Diamond discusses the complexity of the online practitioner research environment and methods of advanced legal research instruction that meet clinical teaching objectives. Appendices provide teaching materials and a sample instruction module for clinics.


Foley evaluates the value of asynchronous electronic discussions in facilitating reflective learning. During trials in a commercial practice unit at Australian National University, skills exercises were added to prepare students for their online discussions and to assess participation. The author concludes that these revised learning strategies produced deeper and more complex discussions than occur in face-to-face tutorials, perhaps because online discussions permit more time for reflection.

At Australia’s Griffith Law School, the advanced family law clinic uses audio-graphics conferencing technology to deliver legal services to remote areas of southern Queensland. Students and clients have joint computer screen access to documents that can be drafted and viewed during a telephone conference. The authors discuss the advantages and disadvantages of the conferencing technology to both students and clients alike.


Arguing that law clinics must keep abreast of technology developments in order to prepare students for law practice, Hyams proposes a software system that offers integrated case and document management, legal research, student assessment and progress monitoring, remote accessibility, and security. Appendices report survey results from five Australian universities on the usefulness of case management software.


Jones reports on her qualitative study of the information-seeking conduct of clinical law students. She observed heavy reliance on electronic research, informal information sources, collaboration, and knowledge management activities. She suggests that librarians and system designers can use this information to improve legal information systems, services, and instruction.


This is an annotated bibliography of legal scholarship relating to clinical legal education. It includes materials dealing with the use of technology in law school clinics.

Doctrinal Courses


This article recounts an experimental cross-border family law module offered at nine law schools in Canada, Mexico, and the United States. The authors describe the project and its use of teaching technologies, including file sharing, videoconferencing, and web sites. After discussing the practical problems encountered, such as real-time oral translation during video conferences, they explore the benefits, challenges, and pedagogical value of cross-border teaching.

Barnaby describes a model for using an online teaching site to incorporate legal ethics into the first-year curriculum. She summarizes a five-step design process that considers student needs, course goals, pedagogical principals, delivery mode, and practice-based design. She also outlines suggested content and format for interactivity, noting that a pilot program based on this outline is being developed at QUT Faculty of Law.


Globalization and the Law is an Internet-enhanced seminar taught simultaneously at Melbourne University in Australia and the University of British Columbia in Canada. This article describes course design, which included readings, in-person meetings, a video linkup for classes, a web-based discussion forum, administrative tools, resources, and contacts. The authors evaluate the program, discuss proposals for change, and reflect on lessons learned from collaborative teaching.


*The Merlin Affair* is a series of multimedia modules designed for the media law course at QUT Faculty of Law. The program treats each media law topic with a separate chapter in a story about a corrupt government minister, using multimedia resources such as mock television programs, newspapers, journalists’ notes, parliamentary reports, and voice mail. Butler describes the program and its pedagogy, comparing its problem-based learning approach to a clinical experience. Finally, he reviews survey results demonstrating its success.


In the taxation law course at Central Queensland University, accounting students were introduced to information literacy and online tax resources via an interactive CD-ROM tutorial. This conference paper examines the results of two surveys of student reactions to the CD-ROM. The authors stop short of recommending that the CD-ROM be discontinued, concluding instead that evaluation and improvement of instructional aids is an ongoing process.

At QUT, the trusts law course has integrated the learning styles of Generation Y and Millennial students into an interactive online teaching and learning strategy. This conference paper examines those learning styles, describes the use of online tutorials and quizzes, and documents the impact on student learning. The authors report that the online environment enhanced the learning experience and improved comprehension of difficult concepts. They also address practical considerations for implementing such initiatives in the future.


Corbin recounts her experience teaching Succession Law online at Griffith Law School in Australia. After explaining her choice of a pedagogy aligned with constructivist theory, she describes course design, teacher and student roles, communication methods, and assessment. Concluding, she discusses data from qualitative course evaluations and lessons learned.


At Cardiff Law School, the concept of information literacy provided the framework for restructuring a legal foundations course to embed IT and skills training in the doctrinal curriculum. This article describes the evolution, pedagogy, and content of the course as a collaboration between instructor, law librarian, and IT specialist.


In 2000, Griffith Law School offered unincorporated associations and trusts in flexible delivery mode. The author describes the use of ICT and instructional technology in the course and explains changes made in 2002 to accommodate negative student feedback. She reports that once these changes were made, flex-
ible delivery proved to be more effective than the traditional combination of lectures and tutorials had been.


England describes innovations and student feedback on the use of DL to teach unincorporated associations and trusts at Griffith Law School. Updating her earlier report (see entry no. 160), she discusses three findings. First, despite increasing use of CT, personal communication remains important. Second, assessment is a critical tool for inspiring students to become self-directed learners. Finally, even minor changes to an assessment system can significantly affect final grades. She concludes that DL requires combining technological change with sound pedagogy.


*CrimPro* is an online self-learning module on criminal procedure, designed and taught in the LL.B. program at Australian National University. The module consists of WebCT primary and secondary materials, a DVD with video recordings, and tutorials. The authors discuss project objectives, describe course content, and review results of an evaluative survey. They conclude that student users should receive appropriate support through scaffolding.


Arguing that legal education should adapt to the realities of a visually oriented and technology-driven society, Hermida recounts his experience using audiovisual media to teach criminal law at Dalhousie University in Canada. The author first discusses the conflict between a print-based teaching philosophy in Canadian legal education and the audiovisual culture in which students are immersed. He describes his own teaching methodologies, which include analysis of video scenes from popular television shows and films. He also explains how his students develop media literacy by researching and producing their own videos on criminal law topics.


Hotchkiss explains how technology was incorporated into an undergraduate course, International Law for Business. Working in groups to research and analyze a problem, students presented their project results on a web site they had created; these web postings in turn became reading assignments for other groups. Hotchkiss reports that the project actively engaged students in learning and improved their analytical, collaborative, and communication skills. Appendices detail the problems used.


Students in business law classes at two universities engaged in a mock arbitration exercise. The simulation was conducted entirely online, using Microsoft *NetMeeting* and *WebCT*. The authors discuss the advantages and logistics of the technology, describe the logistics of the simulation, and assess the learning and teaching experience. They conclude that online arbitration is an effective means of exposing students to the evolution of technology law and to ODR.


In this article discussing models for teaching evidence, the author examines the use of video clips of direct and cross-examination exercises, videotaped critiques of student simulations, and interactive DVDs to teach the problem approach.


This article reports on an experiment in which four faculty members volunteered to teach a high-technology section of first-year law students at William Mitchell College of Law. Oliphant addresses selection of a learning theory; use of high-tech classrooms, *Blackboard* course sites, ICT, and presentation software; and issues presented by note taking, quizzes, and classroom distractions. He concludes that the experiment made the classroom more dynamic and more conducive to learning.


The University of Strathclyde Law School restructured a traditional domestic environmental law course to add two components: EU environmental law and a web supported simulation of an international environmental law conference. The author describes and evaluates the web-support aspects of the pilot course, concluding that the document server and e-mail facility facilitated asynchronous learning and provided ready access to documents. He also outlines plans to devote a full semester to the simulation and explains how it can be adapted to other law courses.


Winer’s report summarizes the pilot year of a research program examining computer-enhanced collaborative learning in various disciplines. Here, she focuses on a business law course in which students at McGill University Faculty of Law used WebCT to draft partnership agreements, incorporate their client, and respond to a takeover attempt. Concluding that WebCT did not adequately support collaborative drafting, she recommends software that supports communication and document exchange. Future reports will address workload reduction, the role of technology in the learning process, and student assessment.


Zariski describes how he uses an online environment and a pervasive approach to teach legal ethics at Murdoch University School of Law. His article includes examples of online discussions, accompanied by his own observations about the benefits of this method.

**Skills Courses and Programs**


After CALI lessons were integrated into the legal research curriculum at Georgia State University College of Law, student and faculty feedback was overwhelmingly positive. Of the students surveyed, 94% observed that CALI lessons had given them a deeper understanding of the material. Professors reported that students who completed the CALI lessons tended to ask more insightful questions in class and to score higher on exams.


Arndt describes how he taught CALR in small groups, using hands-on, self-paced exercises. Although this method required a great deal of instructor involvement and intervention, it also stimulated student interest and encouraged active learning. Sample exercises are included.


Barnett writes to encourage law faculty to use electronic feedback when reviewing student writing. To this end, he compares various commenting methods, including embedding voice comments and using digital voice recorders. He also explores considerations influencing the form of feedback and explains how these considerations persuaded him to experiment with technology in his first-year legal writing course. To help ease the transition to electronic critique, Barnett closes with a guide to current electronic commenting technology.

Bellow and Moulton’s *The Lawyering Process* underscored the need for law students and lawyers to engage in cross-disciplinary study and self-analysis and to remain vigilant of emerging ethical issues. Bastress and Harbaugh apply this approach in their article, which examines the use of computer-mediated communication (CMC) in legal interviewing, counseling, and negotiating. They analyze traditional legal resources and emerging research in other disciplines, apply that research to the lawyering skills context, and assess the skills involved in the use of CMC in that context.


Blevins used technology to introduce reality into the writing of an interoffice memorandum. To obtain facts, students watched a videotaped and digitized client interview that had been uploaded to the legal writing program’s web site. The author describes the benefits of the experiment, the creative and technical process, and the method of integrating the videotape into the assignment. He outlines plans to work with theater students and campus IT and video production personnel to improve the quality and accessibility of the files.


   At Wayne State University, two librarians, a LRW program director, and an instructional technologist collaborated to produce online tutorials introducing novices to legal research. Using Camtasia, Microsoft Producer and PowerPoint, a digital camera, and an audio recorder, they created tutorials incorporating moving photos, slides with teaching points, and voice-over explanations of the research process. This article shares challenges faced and lessons learned.


   In March 2002, students from ten law schools on several continents participated in the first International Competition for Online Dispute Resolution (ICODR). This article describes the competition from the perspectives of problem drafter, coach, participant, evaluator, and organizer. The authors chronicle the challenges of developing and implementing online competitions and negotiating in an online environment.

   Davis shares his experiences as the administrator for the 2003 ICODR. He explains how two technologies—West Workspace and Squaretrade.com—were employed in the design and use of online dispute resolution space and describes challenges faced by students in using these platforms. He also addresses the administrator’s responsibilities, which include maintaining the independence and neutrality of the online system.


   Duggan examines the CALI program and describes specific lessons available for legal writing and research students.

Integrated research training can be used to teach legal research effectively to students who have never learned to research print materials. The authors explain why this approach is more responsive to student needs than teaching print research before online research. They also provide practical tips for implementing integrated training, discuss appropriate textbooks, and share teaching techniques and lessons learned. A sample syllabus is included.


Featherman discusses her experience as a student participant in the 2006 ICODR. After explaining the value of learning to use professionalism and sensitivity in cross-cultural negotiation and litigation, she describes the benefits of using West WorkSpace technology for internal and external asynchronous communications.


Traditional dispute resolution involves two disputants and a third-party neutral. Here, Gaitenby discusses a “fourth party”: the software tools used in online dispute resolution. As part of his evaluation of the effect of technology on ODR, he discusses the configuration of the West WorkSpace eRooms and reviews a study evaluating how 2005 ICODR participants used the ODR environments. Concluding that ODR experiences are most meaningful and useful in the mediation setting, he advocates that future research focus on the manner in which online actors engage with each other and with software to create meaningful ODR experiences.


The author addresses the tension in legal research instruction between traditionalists who teach the subject and the new generation of students who enroll in their courses. To overcome student resistance to print media, Gallacher proposes teaching the comparative strengths and weaknesses of print research and CALR simultaneously and as a client-based activity. He also suggests teaching strategies.


Gallacher reports the results of a summer 2006 survey of 740 incoming first-year students from seven law schools, intended to collect data about their perceptions of their information literacy skills. A majority of responders answered that they “always” or “usually” use the Internet for research, with 70.9% favoring Google as a search engine. These results, the author concludes, reflect a passive approach to acquiring information and an over-confidence in the research skills brought to law school. In closing, he suggests possible remedies for the skills deficits of incoming law students.

The authors discuss their decision to incorporate technology into teaching LRW. After describing four projects they created at Brigham Young University’s J. Reuben Clark Law School, they explain how their learning objectives are achieved through legal research and case-reading videos, a sample memo database, and an online diagnostic. They conclude that thoughtful use of technology can provide a powerful tool for effective teaching.


This article, which is supplemented on the author’s web site, explains how law faculty can use videotaped role-plays and commercial films to enhance skills instruction in ADR courses. Golann discusses effective use of available technology, challenges of implementation, avoiding and troubleshooting technological glitches, and creating original videos.


The authors describe and evaluate their experience developing, teaching, and administering a web-enhanced lawyering skills course to first-year students at Nova Southeastern University Shepard Broad Law Center. They discuss the networking infrastructure, hardware and software requirements, student training, and wireless classrooms. After addressing pedagogical goals and challenges, they describe the use of specific technologies and an online syllabus linking to web-based tutorials, readings, and assignments. The article concludes with advice to law professors contemplating the use of technology and a call for empirical and action research to evaluate its effectiveness in achieving the goals of legal education.


This guide to online legal research tutorials is organized in the order that many first-year students are introduced to the legal materials. Hackerson reviews tutorials available on Westlaw, LexisNexis, and CALI that cover legal research in secondary sources, case law, citators, legislation, topical matters, and search strategies and skills.


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The legal research methods course at the University of Waikato School of Law seeks to provide nontraditional students with the analytical skills necessary for optimal use of IT at the same time that they are acquiring technological skills. This article describes the program goals, the sequence and structure of the syllabus, and the assessment tasks used in the course.


The authors describe a two-year experiment in their legal writing classes in which assignments were electronically submitted, graded, and returned. After explaining the advantages of an e-grading system, they suggest approaches to overcome its shortcomings. They conclude that the disadvantages are outweighed by convenience, educational benefits, and parallels to technological developments in law practice.


This article explores the use of e-mail negotiations to develop reflective skills in business school students. After discussing a contract negotiation exercise and its goals, the authors explain how to conduct the simulation and debriefings. They also summarize their findings, discuss the implications of these findings, and share ideas for using the exercise at other institutions.


QUT Faculty of Law undertook an Internet-based teaching initiative to improve students’ legal research skills. In this report, the authors underscore the methodology involved and the advantages and disadvantages of the initiative. They also evaluate its effectiveness in improving student research skills.


This article describes how a course web site can alleviate the administrative burdens of coordinating an adjunct-taught legal writing program. Benefits include: 1) minimizing conflicts between the administrator’s faculty and administrative roles; 2) maintaining consistency among writing sections with minimum faculty meeting time; 3) preserving academic freedom and teaching styles; 4) improving organization; 5) increasing accessibility to students; and 6) sending positive messages to students.

Acknowledging that today’s law students prefer online databases over print resources, Keefe advocates a new model for teaching legal research. He uses data on student research patterns before and after entering law school to support his argument that instruction should begin with electronic sources and then add traditional print materials as alternatives. He also presents his vision of a legal research course based on this paradigm.


The author discusses his experience using in-class online exercises in an international and foreign legal research course. He addresses factors to consider when deciding whether to use this teaching method, its advantages over traditional homework, design issues, grading and evaluation, and lessons learned.


A survey of recent law school graduates was designed to determine how well prepared new lawyers are for law practice. More than 75% of lawyers surveyed said they lacked critical practice skills after law school graduation. This report recommends, among other things, that law schools leverage technology to provide authentic technology environments in clinical programs, teach students to accomplish work-related goals, and encourage them to experience casework. It also suggests an agenda for further research.


Le Brun was part of a team that developed a web site at City University of Hong Kong to teach law students the client interviewing and counseling skills needed for international competitions. In this article, she describes site features and discusses maintenance issues, project evaluation, lessons learned, and future developments.


The author is an associate professor at the Computer/Law Institute of the Vrije Universiteit Amsterdam (VU). When VU opened an office in Second Life in
March 2007, the author conducted virtual classes in ODR, including a cross-border class with law students in Canada. His paper discusses these classes and explores the potential of ODR in three-dimensional worlds.


*Legal Interviewing Skills* is an interactive multimedia program designed to familiarize students at Monash University with interviewing techniques in tort practice. This article reports on a study evaluating students’ learning processes while they completed this program. The study revealed use of systematic guessing in a module requiring students to evaluate and reflect on interviewing techniques. The authors conclude that improved feedback will encourage meaningful reflection and interaction with the program.


Faculty at the University of Detroit Mercy designed a technology unit that requires LRW students to use and evaluate the Internet and PT software. The authors discuss their design and implementation experiences and provide a methodology for others to follow. They conclude that the unit prepares students for law practice in a way that traditional writing assignments cannot.


The authors argue against teaching legal research students to use the print version of *Shepard’s Citations*. They maintain that instruction should focus on KeyCite and online Shepard’s, which are more comprehensive, efficient, accurate, and timely than print citators.


The authors report on their study of the effect of computers and legal databases on the way in which law students conduct and analyze legal research. This study measured differences in analogical reasoning in cases of first impression from the Massachusetts Supreme Judicial Court between 1955–1965 and 1993–2003. During the first period, 56.25% of the cases employed analogy; during the second period, only 47.69% used analogy. The authors argue that these results require changes in legal education, including effective instruction in (1) reading and analysis, (2) use of advanced online database tools and secondary sources, and (3) selection of appropriate online resources.


In this early contribution to the literature about GGSL’s virtual community, Maharg explains the background, pedagogy, and execution of a web-based
negotiation exercise. Analyzing students’ reflective reports and statistical data, he presents lessons learned and future plans. He concludes that the web can provide an effective medium for collaborative skills training when the simulation integrates resources, supports divergent learning, and facilitates social construction of knowledge within the virtual environment.


Malley recounts her experience coaching a team of Serbian law students for the 2005 ICODR. Her discussion of the political and pedagogical issues facing Serbian higher education provides the background against which she reflects on the experience. ICODR provided a means for her students to learn a new technology, practice negotiation skills, and interact with the rest of the world. Their unexpected success instilled confidence and hope.


A study of research instruction at Oxford University Law Faculty found that students increasingly use networked computers as their primary information source. They are also more likely to read case law on-screen than articles. This report recommends that students receive (1) instruction on effective web research and avoiding plagiarism, and (2) successive opportunities to integrate research into daily studies.


Meyer provides practical advice on teaching students about the shortcomings of electronic research, the benefits of print research, and the reasons for using print sources in certain situations. He discusses the limitations of online research and offers teaching examples to illustrate the advantages and drawbacks of each format.


The author discusses the implementation and teaching of the first advanced electronic legal research course at Northwestern University School of Law. Miller describes course goals and content, explains how the course was enhanced by online software and a smart classroom, and summarizes student feedback.


Milles argues that legal educators must accept the victory of digital sources over print sources in the field of legal research. He urges academic law librarians to consider this fact when building collections and encourages legal research professors to favor electronic resources when providing instruction.

Part II of this article examines the use of student-analyzed videotaped negotiations as an assessment mechanism in a graded negotiation course. Moffitt discusses the risks and advantages of this approach, the mechanics and use of web-based streaming video to distribute videotaped performances, and the contribution this method makes to an effective evaluation system.


Legal research instruction can be enhanced by new and emerging technologies, including PT, course web sites, blogs, CALI tutorials, classroom response systems, video, audio, multimedia, podcasting, and vodcasting. Murley explains how these tools may be used to engage students with different learning styles, to extend learning beyond classroom walls, and to help students transfer their skills to future research situations.


Murley proposes using an integrated approach in first-year legal research instruction. This method would capitalize on students’ online research experiences instead of treating Internet research as a bad habit. She explains how the Internet can be used to teach research skills that students can use in all formats and that will train them to be informed online researchers.


In 2002, Murray queried the AALL Academic Law Libraries Special Interest Section discussion list, requesting information on the status of print citator instruction at other law schools. In this article, she analyzes her survey results and discusses the University of Southern California Law School’s decision to continue print citator instruction in its first-year legal research program.


An experienced technology user discusses how she conquered her fear of advanced technologies and added six enhancements to her LRW course. Murray describes: (1) using her course web page to distribute class materials; (2) stimulating student participation in a threaded discussion forum; (3) grading papers electronically; (4) designing *PowerPoint* presentations for student note taking; (5) using smart technology for in-class writing exercises; and (6) integrating audio and video technology in class lectures.


A research librarian revisits the debate over who should teach CALR, concluding that in the current legal research environment, law librarians, not vendor representatives, should be teaching CALR to first-year law students.
    Pengelley discusses the increasing tendency of law students to use Google for legal research and their inability to discriminate between reliable and unreliable sources. The challenge for law professors, the author observes, is to teach students how to evaluate and use web-based information effectively.


    Peppet relates his experience using web-based, streaming video technology in a legal negotiation workshop. After explaining his decision to eschew traditional videotaping methods, the author discusses the project, its implementation, and its pedagogical costs and benefits. He also reports the results of a survey indicating that students found this feedback approach effective. An appendix describes the project’s technical aspects, including hardware and software, startup costs, and technological challenges.

    Students in two undergraduate law courses, Cyberlaw and Alternative Dispute Resolution in Business, used SquareTrade’s *Direct Negotiation Tool* in an ODR exercise about an e-commerce dispute. This article explores the pedagogical advantages of the assignment and its appeal to different learning styles. Appendices provide the fact pattern and the reflection assignment.

    The author describes how she developed a more efficient system to grade student writing using *WordPerfect* macros. She provides examples and explains why this system benefits legal writing teachers and their students.


    The author responds to Milles’ argument (see entry no. 229) that electronic resources deserve primacy in legal research instruction and library collections. She argues that the choice of delivery format should be driven by user needs and basic information structure.

Simons maintains that computer-age law students have a simplistic view of the legal research and writing process that is attributable, at least in part, to the deceptive ease of electronic research. His article explores instructional methods that help students develop an appreciation of the complex multiple sources of indeterminacy involved in legal analysis and decision-making. These methods teach students to anticipate, minimize, and control these indeterminacies, whether they are researching in electronic or traditional media.


Steele surveyed law schools about their efforts to teach law practice management and technology. His study revealed that fewer than 5% of curricular offerings include courses in technology and the law and that enrollment in such courses is generally limited. Concluding that legal education has made only minimal effort to achieve the goals of the MacCrate Report, he cautions that graduates are at a disadvantage when placed in the competitive technological environment of law practice.


In 2005, Brooklyn Law School adopted a fully integrated approach to legal research instruction that teaches students to combine books, fee-based services, and free Internet resources into a comprehensive research strategy. After explaining the pedagogical reasons for the change, Teitcher describes the new curriculum and companion TWEN page. She concludes that this approach engages students, enhances teacher credibility, and produces enthusiastic and competent researchers.


A legal writing professor recounts her experience with electronic plagiarism. Students who appeared to be collaborating impermissibly had actually lifted the same text directly from electronic databases without attribution. This technique had been demonstrated to them in CALR training sessions. Temple offers suggestions for dealing with electronic plagiarism before it becomes a problem.


CaseMap is case analysis software designed to help lawyers evaluate and organize details in a particular case. In this article, Thomson describes the software and explains how LRW faculty can use it to help students develop the skill of pre-writing thinking. After discussing and evaluating CaseMap’s implementation in a LRW program, he offers recommendations for faculty considering its use.


In this article outlining innovative methods of teaching negotiation skills, the authors advocate using ICT to enhance negotiation learning. Their ninth lesson addresses the use of electronic bulletin boards, web-based discussion rooms, polling systems, Internet-based cross-border negotiation simulations, videotaping, and online simulations. They also discuss online negotiation courses and the use of web-based streaming video.


The Dutch Open University developed an electronic course to teach legislative drafting to DL students. This article discusses course structure, technology, assessment criteria, and assignments. It also summarizes student feedback, the benefits of learning legislative process in a collaborative virtual environment, and instructor roles and workload.


At Manchester Metropolitan University, law librarians and law school staff collaborated to embed legal information skills training into the curriculum. This paper discusses the genesis and implementation of the project. It also addresses embedding mechanisms and techniques, learning methods, course materials, and review and evaluation procedures. Screenshots illustrate the WebCT virtual tutorial used by students in the graduate program.

The Robert Crown Law Library surveyed Stanford law students over a three-year period. In this summary of findings, the authors report that in 2002, 75% of the first-year responders and 62% of all law students stated that they performed at least 80% of their research online. In 2003, the numbers had increased to 83% of the first-year responders and 70% of all law students. In 2004, the last year of the survey, 93% of all first-year responders and 79% of all law students reported performing at least 80% of their legal research online.


The authors used PT in a workshop environment to teach law students about professionalism in e-mail communications and on personal web pages. They discuss their teaching methods, concluding that the workshop environment is effective for teaching professionalism in virtual communications.


The author discusses judicial use of audio legal briefs, the product of a text-to-speech program that converts electronic files to audio files. He points out the challenges that this hybrid form of communication will present for faculty who teach legal writing.

Distance Education and Distance Learning

22. Distance education, also known as distance learning, refers to instructional methods, including video and computer technologies, used when “the teacher and student are not physically and simultaneously present in the same classroom.” Catherine Arcabascio, The Use of Video-Conferencing Technology in Legal Education: A Practical Guide, 6 VA. J.L. & Tech. 5 (2001), http://www.vjolt.net/vol6/issue1/v6i1a05-Arcabascio.html.
The authors recount their experience introducing podcasts to disseminate recordings of classes, lectures, and symposia at Nova Southeastern University Shepard Broad Law Center. They explore the background, development, and use of podcasting and vodcasting, explain the technology, and discuss the challenges it presents for a law school’s networking infrastructure. They conclude by summarizing podcasting activities at CALI and other law schools.


To investigate the learning experience of students working in virtual law firms at GGSL, the authors analyzed self-reflective reports, using a matrix to categorize trust and learning experiences. Their study identifies characteristics of positive and negative learning experiences and provides guidance for creating a supportive and secure online learning environment.


Berg describes and evaluates her experience using DL technology to teach a public health law course to law students and graduate students in public health. She concludes that ICT enhances opportunities for interdisciplinary communication and collaboration, reduces obstacles presented by time and place constraints, satisfies diverse educational requirements, and sustains student involvement. It also overcomes the pedagogical, logistic, and administrative challenges often encountered in cross-listed law school courses.


This study examines how two law professors perceived their first experience team-teaching an asynchronous taxation course online. Topics include faculty collaboration, student assessment, online interaction, multimedia CDs and WebCT, comparison of online and classroom learning experiences, transferability to the conventional classroom, challenges, and recommendations. Appendices reproduce data collection logs, interview protocols, student survey questions, Institutional Review Board compliance documents, and informed consent forms.


The LL.M. in International Tax and Offshore Financial Centers at Florida’s St. Thomas University School of Law was the first Internet-delivered LL.M. program in the United States. After discussing the program’s implementation,
development, and technology, Byrnes examines the goals of U.S. legal education and explores the emerging pedagogical approach to online study in the United Kingdom. He concludes with a review of DL courses at U.S. law schools and his personal observations.


At the University of New South Wales Faculty of Law, tax law is taught via WebCT and audio conferences. Datt discusses the tax program’s teaching and assessment methods and recent changes designed to alleviate student problems. These changes include issuing students a CD that explains assessment criteria and skills, offering incentives for constructive participation in online discussion threads, using peer review, and readjusting the assessment regime. Although these revisions have yielded positive results, Datt concludes that further change may be needed to achieve desired outcomes.


At the School of Law at Charles Darwin University in Australia, the DL program is delivered via Learnline, an online learning management system. Learnline incorporates web-based conferencing, instructional materials, real time chat sessions, and virtual tutorial and whiteboards. The authors conclude that further research is needed into the effectiveness of the media and teaching methods employed. This research will be used to inform decisions about the future design of the DL program.


Donaldson explores the challenges of providing library and information services to DL students in the LL.B. program at Nottingham Trent University. Topics include common perceptions of DL, program structure, practical difficulties experienced by DL law students, support provided by information specialists, and ideas for the future.

Although ABA accreditation standards have expanded opportunities to earn J.D. credit for DL, they still deny accreditation to J.D. programs that operate fully or substantially online. The author argues that state bar admission rules restricting eligibility to graduates of ABA-accredited law schools could face First Amendment legal challenges. He calls for states to provide graduates of online J.D. programs with an alternative path to law practice.


Fairhurst explores quality assurance issues that should be addressed when delivering an electronic DL program. His paper is divided into six sections: (1) system design; (2) program design, approval, and review; (3) program delivery; (4) student development and support; (5) student communication and representation; and (6) student assessment. An appendix includes program specifications.


Fentiman recounts her two years developing the Health Law Distance Education Program at Pace University Law School, a program that was suspended within its first year because it did not immediately break even and was not viewed as central to the law school’s mission. She also discusses lessons learned about providing legal education via the Internet.


This article outlines the elements of a successful program in transnational legal education. One such element, the author notes, is the appropriate use of technology: videoconferencing and podcasting expose students to diverse faculty experiences, and chat room technology encourages transnational study groups and academic discourse.

Gleason argues that the reluctance of law schools to add DE to the curriculum has operated to the detriment of legal education and law students. She addresses the reasons for DE’s growth in other disciplines and explains why the trend has not affected law schools. She also discusses three factors that will bring DE to law schools: students expect 24/7 access to materials and services; nontraditional students seek less expensive alternatives to brick-and-mortar law schools; and rising educational debt motivates students to find less expensive options.


This article presents the results of a research project exploring the experience of DL students in the LL.B. program at the University of Wolverhampton. The study focused on factors affecting acquisition of learning strategies and the influence of course design and materials on learning approaches. Because the data revealed that DL law students require more guidance, planners revised the program to meet student needs.

277. Johnson, Andrea L. “Reconciling Copyright Ownership Policies for Faculty-Authors in Distance Education.” *Journal of Law and Education* 33 (2004): 431–56. (See entry no. 365.)


This piece describes a noncredit, prelaw course offered online by the Thomas M. Cooley Law School. Designed to ease the transition into law school, the course offers discussion boards, quizzes, readings, lessons, and personalized feedback. It has allowed students worldwide to participate in an interactive preparatory environment and has helped the school prepare for future DL offerings.


Larson argues that DE can facilitate an andragogical approach to legal education, enabling law students to become self-directed learners, to develop the critical thinking skills used by legal practitioners, and to become self-sufficient in law practice. She explains how technology can be used as part of an integrated framework of adult learning and provides examples of assignments that allow students to interact online while developing lawyering skills.


This brief position paper argues that webcasts are valuable DL tools that can transform the learning experience for law students, but only when used appropriately. To this end, they recommend integrating onscreen materials with other course elements to create incentive for independent learning. The authors’ description of a civil procedure webcast environment is accompanied by screenshots.

OZCAN is a legal history program taught collaboratively on the Internet by four law schools in Canada and Australia. Students and faculty use an online threaded discussion board to react to web-based multimedia materials and to communicate. McLaren comments on the labor-intensive nature of the course and the success of the collaborative method, suggesting that videoconferencing would enhance the program.


This article addresses legal education in Jordan and the logistical, administrative, and legal obstacles to pervasive use of online law courses. After discussing the elements of online education, the author explores its use in Jordanian law schools and the challenges they face in introducing online legal education. He concludes that law schools must overcome obstacles in order to meet the expectations of law students.


Martin answers ten frequently asked questions about online law courses offered at Cornell’s Legal Information Institute. He explains the reasons for offering the courses to students from other law schools and for using audio streaming and an asynchronous approach. He also discusses students’ responses, attitudes, and performance and addresses prospects for DL in U.S. legal education.


This paper explores an assessment model devised to address the difficulties in fostering teamwork skills in external students at QUT Faculty of Law. The model was tested in a corporate law class in which students worked in virtual teams. The author explains the development of the model, outlines the results of its trial, and analyzes its effectiveness, concluding that DL students need appropriate scaffolding supports. An appendix sets out the assessment model.
   CALI’s executive director discusses the work of the Consortium for Distance Education (CODEC), a CALI project seeking to create a global marketplace for member law schools offering DL. Mayer describes current and future CODEC projects, including a web-based course catalog, centralized registration system, surveys and data collection, training, workshops, and a web log. He also considers CODEC’s potential to improve teaching and create new markets for legal education.


   This article addresses considerations involved in deciding whether to offer paralegal programs by DE. Its relevance for J.D. programs lies in its discussion of assuring and measuring quality in distance offerings. The author makes recommendations for running a successful online program, including sustaining the values inherent in traditional programs.

   Decision Making for Tribunal Members is a graduate law course offered by Monash University to Australian tribunal members via DE. This article describes the planning and implementation of the course, its educational and web-based design, its assessment methods, and the advantages and challenges presented by DE.

   Paliwala discusses the effect of the European Union’s e-Government and e-Communication initiatives on legal education. He maintains that law schools need to teach emerging e-governance law within the context of the global communication and governance environment of Europeanization. This in turn will require interactive group e-learning that transcends the traditional institutional and national boundaries of legal education.

   This book chapter explores the impact of IT and globalization on legal education. Paliwala suggests that IT in legal education has evolved around the themes
of convergence and divergence: learning technologies and theories have converged at the same time that law schools have diversified nationally and globally. Reviewing lessons learned, he concludes that institutional and international networking and collaboration will yield better results than individual efforts.


This article discusses the development, pedagogy, and curriculum of the DL program at New York Law School. The author also explains the program’s domestic and international partnerships, its search for new partners, and its expansion plans, including an online Master’s program in mental disability law studies.


At New York Law School, the Online Mental Disability Law Program is offered to mental health professionals. After discussing the use of DL in legal education and its implications for persons with disabilities, Perlin describes the program’s Internet-based courses and teaching technologies, reports on a course section taught in Nicaragua, and considers plans for future iterations in other nations with developing economies.


In 2005, Podgor taught international criminal law as a live synchronous video-conference class to students at the Brandeis School of Law and Georgia State University College of Law. After recounting the faculty approval process, she provides a planning checklist, discusses teaching challenges, and summarizes advantages and disadvantages of teaching a synchronous DL course. She concludes with suggestions for future iterations.


Drawing on his experience as the Director of the University of Alabama’s LL.M. in Taxation Program, Powell explains how law schools can use DE while avoiding pedagogical limitations and administrative problems. He presents a model for offering DE, explains how to resolve difficulties when using videoconferencing, and makes five practical recommendations.


This paper describes a DL program for law students and legal professionals undertaken in Brazil in 2001. The program sought to prepare professionals and students for a completely digitized lawsuit. The authors briefly describe and evaluate the program, finding a positive environment for the use of ICT in the Brazilian professional and academic legal settings.


The Chief Operating Officer of Kaplan Education Centers writes about the online J.D. program at Concord Law School. Topics include access to education, accreditation, tuition, student demographics, curriculum, pedagogy, the virtual learning environment, and Concord’s focus on bar passage.


This paper describes and evaluates a podcasting trial at the University of Waikato School of Law in New Zealand. The author explains podcasting and vodcasting before discussing the underlying pedagogy and his use of both technologies. “Coursecasts” were linked to online asynchronous discussions with students and were used for lectures, class materials and highlights, student presentations, and assessment. Concluding, the author summarizes student use of the available coursecasts and evaluates the technology and the trial.


Salzer examines online law schools and their effect on legal education. Focusing on Concord Law School, he considers its history, faculty, curriculum, research facility, tuition, and accreditation struggle, as well as criticisms from the legal community. Finally, he argues that the ABA cannot continue indefinitely to resist accrediting online law schools.


Students at Washburn University Law School and Nova Southeastern University Shepard Broad Law Center participated in a comparative tort law seminar taught by international scholars at both schools. Smith discusses the seminar and its pedagogy, reviews feedback, and describes instructional strategies, reading materials, and videoconferencing technology used to transmit live classes. She concludes that learning is enhanced when students interact with foreign scholars and colleagues at other law schools.


This article profiles the advances in online technology that have enabled law schools to offer online classes and, in particular, Concord Law School to offer
J.D. and LL.M. degrees. Other topics include the ABA’s accreditation rules and Concord’s use of technology to teach advocacy skills.


In part V of this article, the author explores the impact of technology on teaching method at the National University of Singapore (NUS) law school. He also discusses the use of videoconferencing technology to create a virtual global classroom in which students from NUS and law schools in Canada, the United States, and Finland participate in courses taught by faculty from these partner law schools.


The University of Waikato School of Law offers the Diploma in Legal Executive Studies by DL. This paper explains how resources are designed and deployed, using a mixture of media that includes a web site, computer-based tutorials, videoconferencing, and multimedia CD-ROMs. The author concludes that the program combines the best aspects of lecture and seminar teaching in a collaborative, supportive, active learning environment.


The author discusses his online course on law and the Internet, describing the evolution of the course, Internet tools used, and lessons learned.


This comprehensive examination of the virtual classroom summarizes the ABA’s guidelines on DE and reviews the literature relating to delivery of quality online education. The author suggests methods for combining online instructional strategies to achieve pedagogical goals and transmit skills and values. Finally, he decries the absence of systematic research relating to delivery and assessment of online legal education and outlines designs for future research.
Pedagogy


Ashley describes the use of technology in U.S. legal education and addresses three concerns of legal educators when designing and applying a technology-enhanced curriculum: (1) serving, rather than obstructing, pedagogical goals; (2) avoiding information overload; and (3) evaluating the technology. He also discusses his experiment with CATO (see entries no. 30, 33, and 34), an ITS that engages in dialogues and feedback to teach law students the skill of analogical legal argument.


Becker argues that over-reliance on technology in legal education has shifted the pedagogical focus away from developing and processing analytical skills and toward delivering information as a product. The resulting depersonalization of communications promotes incivility and affects the ability of educators to prepare graduates for law practice.


In this contribution to the *Berring Symposium*, Bintliff explores the consequences of the shift from hierarchical print resources to unlimited and unstructured electronic resources. She explains how this transformation has changed the process of legal research and obliterated the shared context needed for effective communication in legal education and law practice. The author concludes that shared context can be restored by developing subject-based textbooks compatible with electronic research.


Boyle describes the use of active learning strategies in legal education, focusing on metacognition as a subset of active learning. Discussing techniques that she employs in her own classes, she explains how technology can enhance learning, particularly for visual learners.


This article responds to backlash against the use of technology in legal education. The authors present pedagogical reasons for creating an active-learning classroom and examine the criticism that technology impedes this goal. They describe how a combination of old and new technologies can engage students

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and minimize opportunities for distraction. Specifically, they discuss how they use handheld wireless transmitters in class to require student participation and to track student performance.


This conference paper examines the introduction of online learning into an undergraduate legal methods module at the Howard College School of Law, University of KwaZulu-Natal. The author first considers the requirements of the South African LL.B., pedagogical principles for legal teaching and learning, the opinions of students and lecturers, and the experiences of national institutions in implementing online learning technology into undergraduate law modules. She concludes by outlining a strategy for introducing and evaluating a comprehensive online learning environment at the Howard College School of Law.


After discussing Duke Law School’s use of education technology and the ABA’s DL rules, Danner outlines DE opportunities in law schools and evaluates the availability of online legal information. He suggests that legal research instruction would benefit from a legal information literacy approach, which includes theoretical understanding, fluency with technology, and an understanding that legal literature is not always available online.


This is an early report on the author’s study of correlations between the performance of business students in a commercial law course at Monash University and the frequency of their visits to a WebCT site. (See entry no. 319.) His study revealed that, in the first six weeks of the semester, the top-performing students accessed the site more frequently than other students did.


The author continues his investigation (see entry no. 318) into correlations between the frequency of student access to his commercial law WebCT site at Monash University and final performance in the course. After describing the course technologies, he discusses similar studies in other disciplines and presents his questionnaire results. He concludes that top-performing students tended to use the course technology more frequently than other students did.


   Hanlon evaluates the use of the *Blackboard* VLE to deliver modules in European Community law and company law at Sheffield Hallam University in England. He measures this experience against Chickering and Gamson’s “Seven Principles for Good Practice in Undergraduate Education”24 and reports that there is little hard evidence that CAL can help weaker students achieve higher grades.


   This article explores the pedagogical reasons for a library to create online tutorials and pathfinders. The author explains how theories of cognition can be used to create interactive, multimedia learning environments that target multiple learning preferences. He also provides design suggestions and discusses how the lessons of educational psychology, web design, and information visualization and architecture can help librarians to convey complex legal research methodologies and techniques.


   Janda argues that technology has the power to change the aesthetic of art and teaching alike. After recounting his experience with teaching technologies at McGill University Faculty of Law, he urges law professors to accept the role that technique plays in their teaching. At the same time, he cautions faculty against dogmatically imposing the aesthetic changes engendered by technology, lest they allow technique to overwhelm pedagogical objectives and become an end in itself.


   At Lancaster University Law School in England, students used *Lotus Notes* for inter-team negotiations and discussions in a required course. Reporting findings

from student interviews and survey data, the authors conclude that networked learning environments lead to greater variations in students’ experiences because they are more susceptible to disruption than traditional courses. Consequently, instructors must still monitor student activity continuously and intervene in a timely fashion.

   Lasso argues that law teaching should adapt to the digital age to reach new learners whose exposure to online sources has changed the way they process information. He explores the pedagogical benefits of a technology-enhanced curriculum and provides practical advice for overcoming the obstacles of teaching with technology.

   This article reports on a study examining whether a collaborative VLE enhanced the essay writing skills of students at the University of Helsinki Faculty of Law. Using WebCT, students received feedback on drafts from their instructor and peers before rewriting their essays. The authors conclude that although the experience was beneficial, a less complicated collaborative network environment should be used.

   This book chapter considers the relationship between electronic learning resources and the pedagogy of legal education. Suggesting that deficiencies in classroom learning can be remedied by electronic resource-based learning, the authors discuss and evaluate experiments involving a virtual law school, online courses, and online resources used as teaching and learning supplements. They then propose guidelines for using electronic resource-based learning in legal education.

   This article explores the learning theories that have informed the spiral curriculum of Scotland’s graduate program of professional training and education. Among other topics, the author describes how the GGSL has used learning technology to integrate the teaching of doctrine and transactional skills by assigning students to virtual law firms, with clients, case files, and multimedia resources available in a virtual town on the web.

This book chapter describes the background, development, and use of a web-based virtual community at the GGSL. The author outlines the context for ICT use, summarizes the school’s approach to teaching and learning with ICT, and describes the projects used to teach graduate students. Screenshots and student feedback are provided.


The authors survey the uses and effects of ICT in European legal education, focusing on the different approaches taken at Amsterdam University Faculty of Law and GGSL. They argue that ICT can introduce new methods of teaching and learning law by providing students with an environment in which they can manage legal information and knowledge. Concluding with a list of ICT projects that would promote the aims of the Sorbonne-Bologna process, the authors caution that ICT could constitute another divisive factor to overcome in harmonizing European legal curricula.


Responding to the titled question, Marcel outlines factors to consider when designing and delivering an effective online course in law. She concludes that online learning is a superior environment in upper-year courses if it is instructor-facilitated, student-centered, and interactive.


McNamara suggests that pressures to develop online legal education are driven by corporate concerns with efficiency and market share. The risk is that decisions will be influenced by the availability of particular types of technology rather than pedagogical concerns. He explains how he replaced large class lectures in a first-year course in Australia with web-based alternatives that encourage critical, creative, and reflective learning.


This conference paper discusses the use of technology to develop critical thinking skills in law students in post-apartheid South Africa, focusing on changed student demographics as an impetus to adopt innovative teaching techniques. Such techniques would include using an online environment as an adjunct to classroom teaching and using judicial opinions as central texts for study. The

337. Newman, Marie Stefanini. “Not the Evil TWEN: How Online Course Management Software Supports Non-Linear Learning in Law Schools.” *Journal of High Technology Law* 5 (2005): 183–233. Newman reports on a survey of faculty usage of TWEN at Pace University School of Law and reviews empirical studies on the effects of technology on teaching and learning law. She concludes that, although technology facilitates communication and improves course administration, studies have not demonstrated that it enhances law school learning. She also discusses the use of web courses to support traditional classroom pedagogy and makes recommendations for implementing course management software at law schools. Appendices reproduce survey instruments.

338. Niedwiecki, Anthony S. “Lawyers and Learning: A Metacognitive Approach to Legal Education.” *Widener Law Review* 13 (2006): 33–72. This article explains how current methods of law teaching do not train students to transfer learned knowledge and skills to novel situations encountered in law practice. Niedwiecki proposes integrating metacognitive learning theory into the law school curriculum so that students may plan, monitor, and evaluate their learning. He also explains how to use technological tools, such as learning blogs, message boards, online quizzes and polls, and Microsoft Word’s comment function, to require students to articulate and monitor their learning process.


342. Smith, Craig T. “Technology and Legal Education: Negotiating the Shoals of Technocentrism, Technophobia, and Indifference.” *Journal of the Association of Legal Writing Directors* 1 (2002): 247–58. Smith addresses three mindsets that prevent legal educators from assessing the pedagogical value of technological teaching aids: technocentrism, technophobia, and indifference. He explains how technology, when used ineffectively, can
hinder learning. Observing that inequalities in academic freedom have caused many untenured faculty members to chart a middle course between politics and pedagogy, he calls for law schools to encourage all professors to engage in experimentation and to debate technology’s role in teaching.


Acknowledging the inevitability of digital legal education and the dangers it presents for the learning environment, Spencer urges law faculty to maximize the value of e-learning by critically re-examining the theoretical underpinning of their teaching. She concludes that whether electronic delivery will enhance or diminish a learning environment depends in part upon the ability of legal educators to engage in the practical aspects of curriculum development while developing a sustained, coherent, and systematic ordering of educational theory.


Wangerin argues that lecture-based teaching should be moved out of the classroom and into an electronic format so that class time can be used to develop students’ conceptual and critical thinking skills. He explains how the electronic lecture format can be supplemented by branching exercises, active learning assignments, and electronic discussions. He also offers suggestions for overcoming some of the difficulties encountered in delivering electronic lectures.

**Law Schools**

**Administrative Considerations**


The dean of Georgia State University College of Law describes the challenges of deanship in the changing technological environment of instant communications and accessibility. She explores the effect of Internet connectivity not only on the classroom setting itself but also on the management of law schools. Topics include funding programs, training users, integration of technology staff, school structure, and planning for future technology.


The author, dean of the Shepard Broad Law Center at Nova Southeastern University, looks back on the transformation of legal education over four decades. He discusses his own experiences as a law dean in meeting the challenges presented by IT and in harnessing its power to prepare graduates to become sophisticated information managers.

The former dean of the University of Memphis School of Law discusses challenges faced in planning for, implementing, and applying IT systems. Arguing that traditional law school decision-making and governance structures are inappropriate for the rapidly changing world of IT, he provides suggestions for improving technology decision-making in the law school.


**Law Faculty**


Writing in pseudoblog format for Harvard Law School’s *Bloggership Symposium*25 Althouse argues that law faculty should blog for the sheer joy of writing, without worrying about whether their blogs count as scholarship or advance their careers. Topics discussed include the dangers of free-form blogging for legal scholars, and the blog as conversation, calling card, and mechanism for self-discovery.


In this contribution to the *Bloggership Symposium*,26 Berman advocates abandoning the debate over whether blogs constitute legal scholarship and instead considering whether scholarly blogs should be part of a law professor’s vocation. His essay reviews technology’s contributions to changes in legal scholarship norms and activities and discusses blogging as a means of improving the development and dissemination of scholarly ideas by law faculty. Acknowledging that blogging can become a time-consuming addiction, popularity contest, or burden, Berman concludes nevertheless that it is a preferred form of faculty activity.


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26. *Id.*

Black and Caron explore whether SSRN measures for ranking the scholarly performance of law faculties can address some shortcomings in other published ranking systems. They summarize SSRN’s ranking measures, compare them to other ranking measures, such as reputation surveys, publication counts, and citation counts, and present studies of the download measure. They also discuss the manipulability of the SSRN downloads measure and SSRN’s current and likely future responses to this risk.


As its title suggests, this essay describes challenges faced by female law professors engaged in scholarly writing. Brooks’ thesis—that women have less time for scholarship and the activities that promote scholarship—rests on two premises: women spend more time engaged in care giving and housework, and the legal academy rewards scholarship above all else. She discusses the increased opportunities that the Internet, blogging in particular, provides female scholars, but cautions that the online world of legal scholarship may eventually mirror the gendered hierarchy of its offline counterpart.


This article evaluates correlations among ranking systems for law schools ranked in the top ten or twenty as measured by SSRN downloads. Although SSRN downloads are highly correlated with other ranking systems for law schools, Eisenberg finds that the correlations are weaker when SSRN-based rankings are used to assess peer law schools competing for students and faculty. He suggests that SSRN’s automated data systems could be programmed to produce both pure ordinal rankings and other useful statistical outputs.


Using data from RateMyProfessors.com, the authors examined the relationships between *Quality*, *Easiness*, and *Sexiness* for 3190 professors at twenty-five universities. They report that students tend to give higher quality scores to professors offering easy courses and to professors perceived as sexy. The highest average quality scores appeared in the disciplines of law, languages, and education, which were also among the easiest and sexiest. The authors conclude that universities should reconsider their use of student opinion surveys as a valid measure of teaching effectiveness.

This article expands upon the authors’ earlier study of web-based evaluations of faculty on RateMyProfessors.com, which allows students to evaluate professors on quality, easiness, and attractiveness. (See entry no. 358.) The updated study includes results for law faculty. The authors report (a) strong positive correlations between Quality and Easiness and between Quality and Attractiveness, and (b) significant cultural differences by discipline and institution. They conclude that their study calls into doubt the relevance of in-class student evaluations to university measurements of the quality and effectiveness of teaching.


This study examined the degree to which faculty members support and use classroom technologies in criminal justice and crime-related higher education. The study revealed greater support for technology when it is used to supplement rather than replace face-to-face instruction. It also found a weak relationship between effectiveness ratings and actual technology use by faculty, a result the authors attribute to faculty perceptions of inadequate incentives and administrative support.


Hemingway explores the question of whether the legal community should be governed by ethical requirements when telling stories on law blogs. After discussing recent blog entries that raise potential ethical concerns, she examines the ethics of blogging in law and other professions and considers whether legal professionals have further obligations. Finally, she offers suggestions for teaching law students about the ethics of blogging.


This contribution to the *Bloggership Symposium* addresses the costs and benefits of pre-tenured blogging. The authors discuss the dangers to an untenured professor’s career, covering topics such as investment of time, distraction from scholarly activities, and risk of controversy, error, or negative exposure. They conclude, however, that the risks are outweighed by advantages such as the ability to network, gain exposure, contribute to traditional scholarship, and participate in dialogue.


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27. *Id.*
Two senior lecturers at QUT Faculty of Law address the controversial issue of mandating formal teaching qualifications for law faculty. Their article examines the training needs of legal academics in light of a new teaching environment that includes increased skills components, larger classes, flexible delivery, and sophisticated technology. They argue that a structured scheme of voluntary teaching improvement is more valuable than a formal accreditation scheme.


An experienced distance educator explains how faculty may seek greater parity in ownership for their digitized lecture and course materials. Although not limited to legal educators, Johnson’s article addresses issues of interest to law schools, including CALI courseware, primary authority as course content, lecture material as intellectual capital, and the commercial value of online law courses.


Legal academics often encounter obstacles when seeking recognition of their multimedia materials as a genre of scholarship. Le Brun explores the reasons for this difficulty, drawing on her own experience obtaining funds for her acclaimed multimedia learning package on professionalism. She underscores the inconsistency between the pressure for faculty to develop flexible learning materials and the failure of universities to promote and reward multimedia contributions to the scholarship of teaching. Le Brun concludes by outlining an agenda for change.


Acknowledging the perceived threat posed by ICT to professional legal educators, Maharg suggests that the contextual challenges of teaching may actually enable faculty to adopt new technologies. He uses the example of the incremental development of an online discussion forum to propose that law faculty create their own community of research and practice in which they may experiment and learn from each other.


In this opinion piece, Snyder contrasts Duncan Kennedy’s \textit{Legal Education and the Reproduction of Hierarchy}\textsuperscript{28} with changes to law school hierarchies brought about by the Internet. He demonstrates how CT has eroded the control of hierarchies over information and dialogue by enabling faculty to network, develop communities, and disseminate information and scholarship. In particular, he addresses the influence of academic blogs, which encourage dialogues outside the official channels of legal education. This phenomenon, Snyder suggests, might lead to a breaking down of caste.


Volokh’s contribution to the \textit{Bloggership Symposium}\textsuperscript{29} analyzes the ways in which blogging can promote traditional academic work. Blogging provides an audience for dissemination of research, a community that provides feedback on scholarship, and a process for making, distributing, and reflecting on discoveries. Concluding, he observes that academics blog because they enjoy it. For those who wish to write articles for publication in prominent places, blogging is an inefficient use of time.


The author writes about the most daunting challenge he faced in his first year as dean of the Golden Gate University School of Law: taming the e-mail onslaught. In this brief article, Dean White explains his acronym for the “SEND” button and outlines his eight simple rules for e-mail use.


This article discusses the Akitsiraq Law School, which was developed to deliver legal education in Canada’s Nunavut territory. After addressing the rationale for an Arctic law school and the unique curriculum developed to reflect Inuit values and customs, the author focuses on the challenges of working as a reference librarian delivering distance library services to Nunavut from the University of Victoria Faculty of Law in British Columbia.


\textsuperscript{29\textit{Bloggership Symposium, supra} note 25.}
Electronic publishing increases not only the danger that law libraries will publish plagiarized research guides but also the likelihood that the theft will be discovered. The author recounts the experience of finding one’s own work featured on the web site of an academic law library, with two other law librarians claiming authorship. Relating the subsequent confrontation, distress, and embarrassment, Anonymous calls for increased vigilance by law libraries and recommends steps they can take to prevent publication of plagiarized work.


In March 2002, Florida’s St. Thomas University Law Library and Nova Southeastern University Law Library and Technology Center formed a consortium to plan a virtual reference desk service. The authors discuss the library directors’ decision-making process in selecting, implementing, and administering the first virtual reference project in an academic law library.


Written for students of library and information science, this book chapter addresses existing and emerging technologies in law libraries, including wireless technology, AI, virtual reference desks, case management software, and CALI. Balleste also discusses the role of the electronic services librarian and predicts that the quantum computer could appear on campuses by 2015.


Responding to the question whether academic law libraries should channel library resources through a VLE or continue developing library web pages as separate gateways, Barber addresses the pros and cons of each environment. She calls for librarians to share resources and experiences so that the labor-intensive learning curve for VLEs can be made manageable.

The real obstacle to the technological development of the academic law library is not the ABA standards or the accreditation process but rather the assumptions made and strategies adopted by law schools and their libraries when they interpret the standards and participate in reaccreditation. This essay addresses these assumptions and strategies and their implications for law schools.

Exploring the effect on faculty of transformation in the twenty-first-century law library, the author predicts that change will include multiple formats for materials, faculty customized databases, specialized library collections, interlibrary cooperation, 24-hour reference services, and library research assistants who will provide instruction to faculty and students.

The authors report on a study that documented decline in circulation, shelving, and photocopying at Georgetown University Law Library over a ten-year period. Concluding that these declines are at least partly attributable to the increased availability of electronic resources, they call for academic law libraries to use evaluation techniques that more accurately reflect research activity.

This article describes how an academic law librarian and an educational technology class collaborated to produce an asynchronous online CLE course titled “Legal Research on the Web.” The authors discuss the design, content, and delivery of the interactive course and address the relationship between online learning theory and its application. They conclude that both the practicing bar and the University of Arkansas Law School gained a valuable educational resource. Graphical examples are included.

Callister re-examines the debate over the process and bibliographic approaches to legal research instruction, arguing that mere bibliographic instruction will not meet students’ needs in the age of CALR. He advocates using frameworks to facilitate the acquisition of legal research skills.

Academic law librarians are increasingly called upon to offer, promote, and teach new technologies. To assist them in these endeavors, Cheney summarizes essential marketing principles and explains how to devise an effective marketing plan that addresses the needs of the diverse constituencies serviced by academic law libraries.

Chiorazzi maintains that academic law libraries meet over 80% of research needs with the 20% of their collections that are available online. He explores how this development may affect budgetary decisions, concluding that large print collections may become harder to defend.


Clinch explores developments in U.K. academic law libraries since the 1960s, examining the reasons for change and the impact on services. He identifies critical changes in each decade and addresses challenges presented by IT developments, including CALR and VLEs.


Danner discusses current opportunities for distance legal education and the logistical and support issues faced by law libraries when serving remote learners. Observing that a successful DL program requires participants to develop a sense of community, he cautions academic law librarians not to overlook their critical role in building virtual communities when responding to changes in the information and educational environments.


This article responds to Professor Jarvis’s prediction (see entry no. 405) that law librarians will become obsolete in the twenty-first century, victims of their own success, because their assistance will not be needed to support faculty’s scholarly activities. De Jong argues that the opposite is true: the increase in online services and digitized content will only amplify the need for the services of law librarians as information professionals.


Although IT has transformed academic law libraries, legal education has remained essentially unchanged. Duguid explains this paradox in terms of scholarly communities, suggesting that the socialization process upon which classroom learning depends is considered incompatible with technology. This conservatism has in turn allowed libraries to innovate by releasing them from some community-building obligations. The author predicts that, as technology is integrated into legal education, the resulting social and communal gaps will be filled by law libraries and librarians.

Charged with creating a new academic law library at the University of St. Thomas School of Law, the authors devised a collection development policy that balanced print and microform resources with electronic access. This article explains their decision-making process and explores their collection development plan in light of their conclusion that a totally digital environment was undesirable.


Eichen explores the possibility of greater cooperation between academic law librarians and IT professionals, offering suggestions for resolving conflicts between their divergent values. He recommends that the ABA include IT staff on accreditation teams and identify the number of IT professionals required to provide service to the law school community.


This annotated bibliography provides a starting point for academic law librarians to study literature on recent construction and renovation projects before embarking on similar projects. Included is a discussion about the impact of technology on designing and building new or renovated library space.


Fifteen regional academic law libraries participated in a survey of electronic instruction. The survey results reported here provide insights into the current state of electronic instruction in academic law libraries, including a growing concern among librarians as to when and how best to provide CALR instruction.


Two academic law librarians collaborated with a practicing attorney to deliver a web-based CLE program on Internet legal research. The authors share the challenges faced and insights gained while delivering their program at several locations in Arkansas. They discuss future directions for this web-based instructional training, stressing the importance of dependable technical support and control of the process and environment.


In this survey of public policy issues affecting digital libraries, Germain explores trends such as Web 2.0, discusses preservation of and access to digital legal information, and reviews the impact of globalization and the Internet on legal informa-
tion, open access scholarship, and digitization projects. She also discusses new roles for librarians as quality evaluation experts, legal research teachers, and information policy advocates.


Germain addresses the difficulties involved in maintaining long-term access to digital legal information, focusing on the risk that content will be lost when web sites change or disappear. After describing Cornell Law Library’s experience maintaining mirror sites of the International Court of Justice and the International Labor Organization, she proposes that law libraries collaborate in developing academic mirror sites that will preserve official databases on local servers.


This annotated bibliography reviews the literature about the law librarian’s role in providing legal reference services and teaching legal research. Included are several references to articles addressing the intersection of legal education and technology.


This article reviews trends in academic law librarianship resulting from the globalization of information and communication. Haugen addresses the implications of these trends for policies, collections, and services, as well as technology tools, user education, physical space, staff development, and the librarian’s role in academic law libraries. She also stresses the need to network on national, regional, and international levels.


Hazelton predicts increased space needs for the law library facility of the future. A primarily digital environment will require additional space for not only servers, network hardware, backup systems, and printing, but also the larger staff needed for e-training, digitizing, creating and maintaining databases and web sites, and serving the informational needs of faculty, students, and other library users. The mixture of tangible and digital media will also require more work space for users.


Reporting the results of a survey of ABA-accredited law schools, Hemmens discusses, among other topics, the increased use of instructional technology in the advanced legal research classroom. Instructional formats examined include
PT, web pages, the Internet, listservs, computer laboratory sessions, and in-class demonstrations of electronic resources.


The University of Minnesota Human Rights Library hosts one of the largest collections of human rights documents available on the web. Hoffman reviews the expansion of this electronic collection, focusing on its development, maintenance, and use.


This comprehensive bibliography provides an annotated list of books, articles, and Internet sources dealing with the question of whether libraries need materials in both electronic and print formats. Included are several sources addressing this issue in academic law libraries.


Jarvis predicts that academic law libraries and librarians will become obsolete in the twenty-first century. His thesis is simple, though controversial. As online services and digitized content increase, librarians will teach faculty members to become self-sufficient. At the same time, law schools face mounting pressure to keep tuition costs down, particularly as they compete with online law schools. The expense of maintaining a physical library will become increasingly difficult to justify, and law librarians will be victims of their own success.


Academic law libraries can use survey tools, including *LibQUAL+*, to track the effect of technology on the evolving library needs of law students. The authors examine relevant literature, provide guidelines for designing surveys and information literacy tutorials, and offer suggestions for incorporating interactive *Library 2.0* principles into library services. Appendices include sample survey questions.


Reviewing the results of a survey of academic law libraries, the author analyzes the proliferation of fee-based web subscriptions in U.S. law school libraries. She concludes that law school ranking and size had negligible impact on subscriptions for the most popular fifteen titles and that law libraries prefer spending budgets on finding tools rather than on foreign or international law sources.

Dean Mary Kay Kane outlines seven areas involving law school technology in which library directors can play a leading role and help law schools develop a unique position in today’s competitive marketplace. These areas include collection planning, budget and cost containment, space and library configuration, faculty training, e-scholarship, student training, and technology supervision in classrooms and law journals.


An e-mail survey of law librarians in academia and law practice reveals how they handle technological challenges when conducting audiotaped, videotaped, physical, and virtual library orientation tours. The authors consider the types of additional instruction required during orientation, examine perceived effectiveness of library tours, and provide guidelines for tours.


In January 2007, the Nova Southeastern University Law Library and Technology Center became the first academic law library in *Second Life*, a 3-D virtual world and social networking platform. The author discusses the process of creating virtual library space in *Second Life*, the technological requirements and obstacles, and development and expansion of the virtual collection. She also explores *Second Life*’s use as an educational tool for mock trials, doctrinal courses, and distance education, and explains how educators can get started.


Focusing on collection development in academic law libraries, the authors review five factors that enter into the decision whether to select print, microform, or electronic formats: content, functionality, longevity, users, and cost.


Although academic law libraries have evolved to include both electronic and print resources, the ABA’s accreditation principles reflect a traditional print paradigm that Lee argues no longer captures the multiple missions of twenty-first-century libraries. She explains why proposed reforms are insufficient and offers suggestions for law librarians to develop new assessment techniques that effectively evaluate the post-print law school library and preserve its core missions.


As law schools redesign their web sites to permit student access to classroom and administrative materials, law libraries are increasingly called upon to expand their electronic collections. This, in turn, requires sophisticated delivery systems.
Linz reviews various technology options for delivery, provides design guidelines for building an Internet or intranet site, and explains how to use database-driven tools to create an integrated electronic environment.


   Arguing that globalization and the demand for practice-oriented education require better methods of education-delivery than the traditional classroom provides, Dean Makdisi explores the role of law librarians in addressing the disconnect between technological advances and the Socratic method.


   The authors relate findings from their study, consisting of interviews and observations of law students using digital law libraries. They report that student difficulty with electronic research stems from an incomplete understanding of the coverage of specific digital systems and an inability to formulate efficient queries for specific systems. They conclude that their findings underscore the need for integrated knowledge support in digital law libraries. Future work with faculty, research staff, and law librarians is previewed.


   The authors update their earlier work (see entry no. 416), positing that digital law library design can be improved by using information-seeking models to analyze users’ research behavior. They report findings from interviews and observations of law students, faculty, and research staff while using LexisNexis, Westlaw, Google, and Google Scholar. After discussing methodology and results, the authors discuss the research activities identified and suggest designs to help digital law libraries support particular research conduct. They conclude that promoting a user-oriented design process will make electronic legal research and research systems more intuitive and easier to use.


   Margeton provides an annotated list of books, book chapters, reports, and articles related to law library design. Included are many sources dealing with technology considerations relevant to academic law libraries, such as computer labs, microform, space-saving technology, and network and telecommunication systems.

Advances in the world of IT have significantly changed the expectations of academic law library patrons and the ways in which they access legal information. The authors explore potential avenues for innovation in the online catalog, drawing on service models used by Amazon.com and other successful online retailers. After examining advantages and disadvantages of these models, they propose ways in which academic law libraries might employ similar services.


Milles examines the long-held view that the academic law library should be autonomous from the university library system. He argues that budgetary pressures and technological advances, such as automation, electronic data retrieval, electronic journals, digital archives, and virtual library consortia, have made interlibrary collaboration both possible and essential. He concludes that continued insistence on autonomy may compromise the information needs of the academic legal community.


The author explores the design and maintenance of general and academic law library web sites and reviews elements typically incorporated in such sites. Appendices list resources of interest to law library webmasters, tables elaborating on the principles discussed in the article, and the results of a survey of elements present on law library web sites.


This article examines the issues facing academic law librarians as they provide electronic access to legal scholarship. Topics include the preservation of digital formats, the hidden costs of e-journals, and counting e-journals. After considering how scholars in other disciplines use the Internet to explore publishing opportunities, the author discusses advances in legal publishing, such as LSN, LEDA, and *Global Jurist*.


In her introduction to podcasts, Murley explains how this technology can be used to deliver library services, including library tours and legal research instruction. Her list of suggested podcasts encompasses podcasts dedicated to legal research, legal education, law libraries, and law librarians.


Trends in faculty scholarship, including blogs, podcasts, and open access initiatives, require librarians to archive, organize, aggregate, preserve, disseminate, and facilitate access to content. Responding to these trends, the authors address the law library’s role in managing, preserving, and disseminating faculty scholarship. They also offer practical suggestions for creating an access tool for faculty publications.


The author accessed the web pages of 190 academic law libraries to determine which had linked their online library maps to Online Public Access Catalog (OPAC) locations. After summarizing her findings, she analyzes the components of successful online law library maps and provides advice for designing maps that allow law students to become familiar with a library’s physical structure and resources.


Pengelley discusses the impact of technology on academic law libraries from 2001 to 2006. He considers the effect, in particular, of law student demand for electronic sources, availability of online legal resources, and the creation and use of RSS feeds, wikis, blogs, and web sites by faculty and students. Finally, he addresses issues presented by cancellation of print subscriptions and describes the digital law library of the future.


Reviewing the impact of technological change on Canadian academic law libraries, Pengelley focuses on wireless communications and remote access to online legal databases. He also discusses changes designed to make the physical library a comfortable space for students who might otherwise choose to study and research from home.


This article introduces a conference, held at the University of Toronto’s Bora Laskin Law Library, to consider how law libraries should evolve to enhance legal education during rapid technological change.


   This article reports the results of a study into the research abilities and preferences of students in an advanced legal research course at Oklahoma City University School of Law. Concluding that law students have no strategies to compensate for the shortcomings of electronic research, the author calls on librarians to become more involved in electronic database instruction, to integrate information literacy into the curriculum, and to advocate for improvements to electronic databases.


   An academic law librarian writes about his visit to a Nigerian law school to teach Internet legal research to law faculty. After describing the technology infrastructure at the law school, he relates his experience running online workshops interrupted by frequent electricity shortages.


   Addressing the role of academic law libraries in preserving electronic materials for legal scholarship, Prager explores two obstacles to meeting the challenge of digital preservation. First, law libraries need to hire multidisciplinary professionals skilled in law and information science without lengthening training and increasing the cost of education. Second, law schools must collaborate across disciplines and professions without being impeded by a tradition of law library autonomy.


   *Lawlinks* is a portal developed, updated, and maintained by academic law librarians at the University of Kent. This essay describes the ongoing project to update *Lawlinks*, ensure working links, establish new links, and make the site more user-friendly to Kent law students and other users.


   In her seminal article, Penny Hazleton argued that larger library space was needed for the University of Washington Law Library’s print collection because only 13% of its volumes were on Westlaw and LexisNexis.\(^\text{30}\) Here, Russell con-

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tends that outmoded space designs for print collections must be re-examined in light of available digital resources and usage patterns of patrons. He calls for law librarians to plan and implement a strategy that recognizes the significance of technology.


This article examines what academic law librarians are doing to support law school administrative and staff offices. Included is a discussion of development of content for law school web sites and a review of the costs and benefits of expanding such services.


As faculty needs have changed, so have the type of library services offered to faculty and the methods of delivery. Schilt addresses challenges faced by law librarians serving law faculty in the twenty-first century. She compares results from surveys of faculty services in 2000 and 2006 and analyzes trends for the future. Technology topics include providing electronic current awareness sources, testing and evaluating information and instructional technology, providing electronic resource training, and creating and operating library blogs and web sites.


Time and technology have changed the ways in which reference interviews are conducted by academic law libraries. Selby traces the history of the reference interview, from traditional face-to-face methods to current software-mediated interviews. She concludes that although evolving technology has not inspired a unified move to virtual reference, the ultimate goal of meeting users’ IT needs has not changed.


Sibanda outlines challenges facing the University of Zimbabwe Law Library and the faculty teaching legal information literacy to an expanding body of undergraduate law students. Topics include changing patron expectations, increased pressure to provide support and training for electronic products, connectivity problems, a shortage of hardware and software, and funding reductions. The author concludes by calling for the creation of an African Association of Law Librarians.


The impact of IT on student research and study practices inspired the authors’ query whether it is possible to design an academic law library that is physically open to and integrated with the law school. They discuss several design plans
that would increase seating outside the library to accommodate changing study practices, without compromising the library’s effectiveness and security or running afoul of ABA standards.


According to the author, academic law libraries should use their web sites to satisfy their obligations to the public. He discusses web site features that would be useful to pro se litigants, surveys academic law libraries providing those features, and presents examples of web sites designed for pro se users. He also suggests ways to structure academic law library web sites for these patrons.


Smith used a listserv to survey academic law librarians about how they provide reference services to remote users. Discussing the results of her survey, she explores technologies that enable library patrons and librarians to communicate via e-mail, web forms, remote application sharing, and chat or videoconferencing software. She addresses the effect of technology on the work of academic law librarians and identifies tools needed for a modern reference desk.


Despite the appeal of working online in the comfort of one’s home, such practices are not without their downside. Whisner explains how law students miss out on both human interaction and reference services when they conduct CALR exclusively at home and how academic law librarians allow work to invade their private lives when they log on to the law school server from home before breakfast. To remedy both problems, she recommends that librarians engage in outreach efforts that inform students about useful services they might be missing.


Wu examines the roles played by print and digital collections in the survival of the academic law library. Her comparison of the two formats covers such diverse topics as cost, stability, accessibility, archiving, and accuracy. She concludes that abandoning either format would constitute a failure of service to present and future patrons.

Law Students


To determine whether keyboarding affects final examination grades, the authors studied data from first-year law exams at Brigham Young University’s J. Reuben Clark Law School. Finding that keyboarders performed about 0.1 grade point better than handwriters did, the authors report a positive correlation between exam length and higher exam grades for the keyboarders. They posit that the ability of keyboarders to write longer exams may penalize weaker and socioeconomically disadvantaged handwriters.

Barkan argues that including legal research on state bar exams would measure competency in previously untested areas of legal education and create incentives for law schools to improve legal research instruction. He explains how performance testing could be accomplished in an electronic research environment that provides examinees with access to a computer workstation and to all research sources.


Law student plagiarism has been facilitated by the availability of full-text documents online. This article suggests approaches for using electronic research services and Internet search engines to identify language in published sources that matches language in student writing. Included are examples of full-text Boolean search strategies, suggested search engines, and useful databases on Westlaw and LexisNexis. The author also discusses fee-based Internet services that detect plagiarism.


Challenging Vladeck’s prediction of the demise of student case notes (see entry no. 471), this student author argues that legal blogs will never replace law journals because blog posts and journal articles serve different purposes and target different audiences. He predicts that blogs will improve the quality of student scholarship and encourage student authors to seek publication opportunities.


This paper introduces the CODAS Text Grader to help faculty assess essays written by law students. Using concepts derived from examples, the software ranks graded essays, locates irregularities in rankings, and identifies deviations. It can also be used to assess and correct grades awarded to comparable essays by different teachers. The authors discuss plans for CODAS, including a fraud module that identifies authors of documents and a feedback module that responds to the content of student work.


The Dean of Stetson University College of Law advocates taking a strong stance against cyberbullies on law school campuses. After describing common characteristics of cyberbullies, their effect on both victims and the law school’s educational mission, and the role played by bystanders, she concludes by offering solutions.

Returning to law school to complete an LL.M., a law professor confesses to surfing the Internet and sending e-mail during class while other students openly placed sports bets and communicated by instant message. Dunham discusses the ability of her classmates to take insightful notes, volunteer answers, and participate in discussions while engaged in unrelated Internet activities. She concludes that a classroom ban on laptops is more about teacher ego than it is about student learning. Ultimately, she writes, such bans are futile.


In 2005, the author conducted a web-based survey of incoming law students at three law schools. His article summarizes data from 350 respondents on topics that included use of the Internet, e-mail, instant messaging, text messaging, chat rooms, online reading, course management systems, and electronic study groups. He concludes that such surveys will help legal educators predict students’ needs and develop strategies to meet those needs.


Part II of this article addresses the identification and documentation of plagiarized work. Gerdy describes indicia of plagiarism in work submitted by law students and considers the advantages and disadvantages of using software and Internet services to detect plagiarism.


Although plagiarism has been facilitated by the Internet, its increased incidence is also attributable to law students’ uncertainty about what plagiarism means and how to avoid it in academic writing. To combat this problem, she recommends that law schools adopt a clear and unequivocal definition of plagiarism without an intent element. After discussing the consequences of plagiarism and copyright infringement, she provides ten rules for avoiding plagiarism that will cultivate academic trust.


A first-year student at Washburn University School of Law decries the misuse of laptops in the law school classroom. He calls upon students, professors, and law schools to remedy the situation, lamenting that inappropriate use of laptops prevents students from learning from each other, cheats them of a legal education, and deprives society of qualified lawyers.


Kamin argues that a system of multiple rankings would permit students to find the law school best suited to their individual preferences. He demonstrates that students have already begun to use blogs to disseminate information that the current ranking system keeps from them.


In an article written for the Leadership in Legal Education Symposium V, the authors present their vision for a virtual justice community. They explain how technology can be used to develop the leadership skills of law students, to deliver legal services to under-represented populations, and to enhance legal education’s commitment to public service.


Lee explores educational and cultural factors contributing to plagiarism by Hong Kong law students, who rely almost exclusively on the Internet for discursive material. He predicts that formal measures and rules against plagiarism will fail unless more attention is given to teaching basic literary and verbal skills, a measure that requires institutions to recognize faculty productivity in areas other than use of innovative technology.


McGaugh addresses faculty reaction to laptop use in the law school classroom. She offers suggestions for persuading students to refrain from using laptops appropriately, and for monitoring, curtailing, and banning laptop use.


This article offers advice for bridging the gap between law professors and Generation X law students who came of age during the beginning of the technology revolution. McGaugh explains how combining technology with traditional teaching methods will stimulate Generation X students to interact with information. She advises faculty to adapt to changing learning styles, observing that the

next generation of law students will be even less accustomed to print resources and noncomputerized activities.


This paper presents the results of a study of law students’ perceptions of and willingness to use electronic submission of essays for assessment. The authors describe the advantages and disadvantages of print and electronic submission for both students and universities. They conclude that students are willing to use the technology once they realize that it results in faster turnaround of essays and improved feedback.


Feeling disconnected from her students in the classroom due to extensive laptop use, Maxwell adopted a no-laptop policy. This policy led her to develop a more reflective approach to teaching, which in turn caused her to re-examine her methodology and use various teaching techniques that ultimately made the ban a success. The author summarizes recent scientific research and her own data on the use of laptops in the classroom.


The Electronic Course Project (ECP) is a virtual classroom platform that uses technology for two purposes: (1) to cultivate student appreciation for, and use of, active learning skills, and (2) to demystify performance assessment procedures. Sheppard explains how he uses ECP for graded quizzes and graded contributions to discussion boards in a first-year property class, addressing the pedagogical value of each grading method.


This article considers student rights in the online materials they produce for academic credit, using the author’s own experience developing materials for his professor’s civil procedure class. Todd explores issues created by digital technology, such as the ownership of individual student posts in an asynchronous discussion and uploaded papers that evolve through collaborative discussions. He concludes with suggestions for clarifying rights in online course materials.

In the first of two related articles addressing the growing problem in Internet plagiarism (see entry no. 470), the author defines plagiarism, discusses plagiarism detection software, and suggests strategies for educators using this software.


In his second article, the author confesses that he had constructed “Part One” (see entry no. 469) entirely from unmodified parts of other academic work and sent it to the Turnitin antiplagiarism site. This article analyses the results of his experiment. He concludes that while Turnitin can provide a valuable service to legal educators, it can best be used as a teaching tool, combined with other plagiarism prevention strategies, to raise student awareness.


Current events blogging by expert legal commentators often preempts student case notes long before they are published. To stimulate forms of student scholarship less susceptible to preemption, Vladeck suggests that law professors encourage students to write seminar papers that take a more holistic view of the field and that student-edited law journals promote these other forms of student scholarship.


Arguing that the Internet should not change the role of law journals, Althouse urges editors to preserve high standards of scholarship. Attempts to incorporate blog-like features may distract editors, alienate authors, devalue the existing tradition, and dilute the primary purpose of journals. Blogs serve a separate purpose, she writes. Merging journals and blogs will diminish both.


Arewa assesses the impact of the legal information industry on access to legal scholarship, focusing on the development of the industry, the activities of the dominant players, and the various consumers of legal information. She calls for developers to provide broad open access to the varied constituencies who seek legal information.

Beginning with an anecdote about his blog’s role in exposing the dangers of Senator Arlen Specter’s domestic surveillance bill, Balkin’s essay details the advantages of online legal scholarship. By enabling legal scholars to bypass student-edited law journals, online media change legal scholarship’s sources, style, tempo, subject matter, message, and audience. Balkin concludes that the real issue is not whether hiring committees should consider blogs as legal scholarship but whether law professors should spend more time teaching and influencing the outside world.


The recent phenomenon of law review online companions has gone largely unnoticed in legal literature. Bodie fills the information gap by providing a structural analysis of the online companion, describing its design, purpose, content, and audience. He concludes with suggestions for future developments.


Bracey uses a jazz metaphor to explore the relationship between online and conventional legal scholarship, analogizing it to the uneasy acceptance of free and avant-garde jazz artists by music traditionalists. He concludes that although blogging presents an important effort to engage the scholarly enterprise in a free and lively exchange, it will not replace conventional scholarship.


The last part of this essay discusses the extension of law reviews to the Internet. Brophie discusses the potential roles of law reviews and the Internet in disseminating legal knowledge, as economic considerations make it harder to publish books.


The author of this working paper operates The Race to the Bottom, a corporate governance blog. Brown argues that blogs can enhance the reputations of law schools outside the top tier by allowing faculty to circumvent biases in law review placements and SSRN rankings and by providing a cost-effective mechanism for advertising scholarly pursuits. Finally, he discusses considerations in starting and operating a successful law blog.

Butler discusses his blog, Blackprof.com, and describes how it provides a forum, a community, and a place of safety for contributing African American professors. He also traces its evolution from its first op-ed-style posts to its more recent opinionated and even lighthearted posts.


Canick reports the results of a study ascertaining the percentage of sources cited in law review articles that are accessible online. After searching LexisNexis, Westlaw, the Internet, and other databases for full-text versions of sources cited in seven randomly selected articles, the author found that 77% of the 1984 citations were available online. He predicts that this percentage is likely to increase in the future because law students who grew up with the Internet will prefer online sources to print sources.


Caron argues that studies of citation counts fail to measure how often an article is read without being cited; such studies also ignore the practicing lawyers, students, and librarians who form a larger legal scholarship audience. In contrast to Thomas Smith’s citation analysis (see entry no. 522), which characterizes legal scholarship as a hit-driven market, Caron found that a longer tail is reflected in SSRN downloads data: “97% of authors have had at least one download in the past year and 100% have had at least one download at some time” (p.44). Caron’s position is that studies should focus on the consumption of legal scholarship, rather than on its end use.


Carroll explores connections between the established movement for open access to primary materials, the general open access movement, and the impact of law reviews. His central thesis is that copyright law and licensing should facilitate the free distribution of legal materials over the Internet.


Querying why electronic law journals have failed to grow at the pace experienced in other disciplines, Christiansen examines existing models of electronic legal publishing and structural features of electronic documents, such as citation-linking, subject-linking, and interoperability. She identifies two major obstacles to development of electronic law journals: the legal publishing market and the complexity of legal information published by various commercial, academic, governmental, and judicial institutions.


This contribution to the *Berring Symposium* surveys the impact of digitalization and other technologies on historical legal research, particularly in the context of legal education’s renewed interest in legal history scholarship. Professor Cohen also considers the advantages and disadvantages of specific technologies, including electronic discussion lists and commercial and open-access full-text databases.


This article critically evaluates current methods of researching and measuring the scholarly and academic contributions of law faculty. Cunningham argues that the study of download data on sites such as the LSN may provide the most efficient evaluative tool for bibliometric purposes. Potential transformative effects of such studies include promoting faculty self-reflection and expanding the underlying technology to include classroom teaching. The author outlines a proposal to create a Legal Teaching Network that would disseminate law school teaching materials and facilitate pedagogical innovations.


Danner examines new forms of scholarly communications and their impact on print and e-print publication, providing examples of open archive projects and working paper initiatives available for academic legal scholarship. He also explores issues related to the preservation of “born-digital” information that never had an analog existence.

This article considers the impact of electronic media on the publication and dissemination of legal scholarship. Danner traces the development of the LSN and open archiving projects such as LEDA, concluding that such electronic initiatives could preserve the institutional benefits of academic law reviews while solving some of their problems. Finally, he recommends that law schools encourage and support experimentation and that law faculty participate in developing the future communications systems that will disseminate their scholarly work.


Davis reports on her study of URLs cited in three student-edited Washington law reviews between 2001 and 2003. Of the 1104 URLs in the study sample, 40% were broken links when tested, a 37% failure rate for the most recent year in the study. The sample also revealed that certain domains had higher invalidity rates than others and that shorter URLs fared better than longer ones. The author concludes that these results corroborate ongoing concern about the impermanence of web sources.


In April 1998, the International Commentary on Evidence (ICE) was launched online as a peer-reviewed journal on evidence law and theory, hosted by the School of Law at Queen’s University of Belfast. This article discusses the creation of ICE, the reasons for selecting an electronic format, and the interactive features that distinguish ICE from its print counterparts.


In this discussion of law review finances and the movement away from print copies, Doyle argues that the publishing industry must find a cost-effective middle ground that facilitates open access to legal scholarship. His recommendations include: transferring business tasks to the commercial sector; publishing works-in-progress and updated articles online; exploring online comment features; indexing and tagging contributions; offering open-access articles through web search engines; indexing databases and full-text aggregators; and educating deans on the importance of the free flow of legal scholarship.


Froomkin classifies law blogs as another form of quick and simple communication, similar to magazines, rather than as a distinct medium with a particular message. He also addresses the importance of footnotes in published journals, the value of blogs for current awareness and faculty publicity, and the noticeable absence of blogs dedicated to topical legal scholarship.

Gallacher proposes that law schools form a consortium in order to publish and freely disseminate American common law on the Internet. Criticizing the hold that commercial interests have over access to legal information and the inadequacies of present alternatives, he explains why law schools are uniquely suited to respond to these problems and concludes with ten proposed principles that might guide an open-access legal information site.


In this contribution to the Bloggership Symposium,34 Heriot’s query is not whether blogging by law faculty constitutes legal scholarship but rather whether law schools should encourage their faculty to participate in blogging. She favors a “public intellectual” model of blogging that allows legal scholars to expand their audience beyond legal academics, share their insights with other members of the legal profession, and directly affect public discourse about contemporary legal issues. Concluding, she notes that legal blogging might fill a need that traditional legal scholarship has not met.


Horowitz addresses the impact of online media on the gatekeepers who have traditionally certified scholars and their scholarship as elite. He observes that academic legal scholars who have benefited from online media and paid lip service to egalitarian distribution of scholarship have also sought validation and enhanced status from the traditional gatekeepers they criticize. This, he concludes, has perpetuated the tension between elitism and egalitarianism, in part because the legal academy is overly concerned with making and trading prestige as a cultural product.


This essay was inspired by the author’s experience in having his draft articles removed from SSRN at the request of the copyright-holder, California Law Review, after his work had been published and made available in commercial databases. These databases create the “walled gardens” that restrict access to paid subscribers. Hunter examines the open-access movement in scholarly publishing generally and in relation to law review publishing. Using results from his 2004 survey of law review publication policies, he argues that law reviews should lead the way to democratizing access to developments in legal scholarship by providing free, public access to all their published literature.

34. Bloggership Symposium, supra note 25.

Hunter defends traditional law reviews in a commentary encouraging law reviews to move to an open-access model. He argues that open access is particularly suitable to law review publishing because the content of law review articles is determined by non-commercial considerations.


The author’s empirical study determined that articles published in second-tier law reviews are cited more frequently after they are included in LexisNexis or Westlaw databases than when they were available only in print. Discussing the ramifications of his findings, he concludes that producing and collecting print journals may not be cost-effective and that legal researchers are missing a great deal of scholarly material when they rely exclusively on electronic sources.


In this contribution to the *Bloggership Symposium*, Kerr suggests that blogs are unlikely to replace legal scholarship because their reverse chronological order format precludes the reflective process necessary for thoughtful writing. Blog posts can advance scholarship, however, by disseminating and critiquing academic writing and serving as rough drafts. They also play an important role in helping faculty contribute to public debates on law and politics.


Leiter argues that law blogs are dangerous for legal scholarship because they are public, unmediated, and normative. His thesis appears to be that nonexperts write blogs, blogs influence journalists, journalists manipulate public discourse, and public discourse controls law review editors. The result, he concludes, is that inferior work attracts the greatest attention, increases the visibility of mediocre scholars, and lowers the quality of scholarly discourse.


Levit’s article is a practical survival guide for new law professors on how to comply with promotion and tenure guidelines in the electronic age. Topics include

35. *Id.*
using new electronic resources, posting drafts for feedback on an open-access archive, blogging to promote scholarship, and submitting articles electronically.


Lindgren argues that it is difficult to determine whether blogging is a form of scholarship without knowing what purpose scholarship is expected to fill. He discusses the contributions that blogs make to legal scholarship, such as replacing case notes with immediate commentary, developing scholarly dialogue that enriches and refines ongoing scholarship, and providing a forum for disseminating legal scholarship. Concluding, he observes that traditional legal scholarship and blog posts serve similar functions: to create and disseminate knowledge about law and legal institutions.


Litman discusses the benefits of open access to legal scholarship. After reviewing the slow growth of open-access publishing in law, she demonstrates why it is impossible to assess the economics of open-access law publishing as long as conventional law review budgets exclude first-copy costs. She observes that law schools invest in the creation and publication of legal scholarship because they consider it to be part of their core mission, not because it is profitable. She infers, therefore, that the legal academy’s slow response to open-access publishing is due to the lack of demand-side pressure to consider alternatives to the subscription model.


Litvak’s contribution to the Bloggership Symposium makes three points. First, blogs have had minimal impact on legal scholarship when compared to other developments, including technology, long-distance and interdisciplinary co-authorship, the growth and high cost of producing empirical legal scholarship, and the internationalization of law faculties and legal scholarship. Second, rather than creating a forum for early-stage work, blogs are more like water cooler conversations that are openly fitted with microphones. Finally, a successful forum for early ideas must have either privacy or clear rules penalizing silence. Because blogs have neither, they are unlikely to transform legal scholarship.


Law review articles increasingly cite to web resources, but footnoted links may change or disappear over time. One solution is to use a system of persistent identification of electronic documents, which offers stable links to cited sources. To encourage their use in academic law reviews, Lyons suggests that law librarians help student editors find persistent identifiers for electronic sources cited in footnotes.

This essay explores how academic legal publishing has undermined efforts to adopt open access to legal scholarship. In the current “economy of prestige,” scholarship written by and for legal scholars is made freely available in commercial databases subsidized by scholars’ employers. To counter the perception that open access threatens the status quo, Madison suggests recreating the economy of prestige by digitally tagging, classifying, and rating articles so Internet search engines can read them. Prestige would be associated with the tags, instead of, or in addition to, the journal’s institutional prestige. He observes, however, that a successful open access system will require greater attention to empiricism in legal scholarship and less attention to the prestige that the current system provides.


A student law review editor discusses the need for academic law journals to make changes in order to remain viable. He addresses specific areas in which technological advances would improve student-run publications, including publishing full-text articles online, using Westlaw and LexisNexis for cite-checking, and employing e-mail and word-processing features to reduce editing time. He also offers a student’s perspective on the disadvantages of web-based self-publication.


This foreword to the *Lewis & Clark Law Review’s Symposium on Open Access Publishing and the Future of Legal Scholarship* briefly addresses four reasons why law professors should take an interest in the movement promoting open access to scholarship: it extends the reach of participating scholars, increases distribution speed, adds measures of scholarly impact, and provides networked social capital.


Milles argues that the open-access movement, which focuses on academic legal scholarship, will not solve the problem libraries face in subscribing to increasingly expensive practitioner-oriented publications. He calls upon law schools to invest intellectual capital and student labor in publishing legal information for practitioners.


Neacsu’s study exposes the problem of disappearing electronic sources cited in law review articles and the failure of current legal literature to address this concern. The author examined twenty law review articles published within a six-month period in 2000, each containing at least four citations to Internet sources. Twelve articles cited an online source that was inaccessible within one year of its publication. Neacsu advises librarians and scholars to be aware of the threat that digital publishing poses to the reliability of source materials upon which legal scholarship relies.


Powerful search engines and liberal citation rules have contributed to the increasing use of electronic references in law review footnotes. This trend threatens the reliability of legal scholarship because cited electronic sources often change or become inaccessible shortly after publication. To combat the problem, Neacsu suggests that academic law libraries create digital “Legal URL Archives” to store these cited sources. He discusses a prototype archive at Columbia Law School and addresses copyright issues involved in archiving projects.


While guest-blogging at the *Volokh Conspiracy* about two articles he had posted on SSRN, Ohm used a computer program to collect statistics about the effect of blogging on SSRN downloads. After *Slashdot* published links to his blog posts, he added *Slashdot*’s effects to his study. Ohm reports that although his guest-blogging activities increased downloads by 74% and 63%, *Slashdot* increased downloads by 137% and 142%. He observes that the *Slashdot* effect would have been significantly greater if *Slashdot* had linked directly to his SSRN articles rather than to his blog posts about those SSRN articles.


Parker writes that open access is the next logical step for published legal scholarship. After describing the evolution of the open-access movement, she explains how institutional repositories work and examines options for law schools wishing to establish an institutional repository. She also describes the increasing number of law school institutional repositories and explores how legal scholars are using repositories creatively to publish digital work.


In this article discussing the structural deficiencies of “student-edited general interest paper-based law reviews” (p.55), Dr. Perry addresses the advantages
of online publishing. After exploring reasons for a continuing paper-based law review culture, he concludes that no convincing reason exists for the continuation of print editions and predicts that law reviews will soon transition to an exclusively online format.


Rumsey reports on a study of citations to web sources in law review articles written between 1997 and 2001. After four years, only 30.27% of the cited links still worked. The author observes that even working links may lead to edited or archived pages, creating problems of content stability or accessibility. To remedy the problem, she makes three suggestions: (1) law librarians should encourage students and professors to cite to permanent paper sources or commercial databases; (2) webmasters who reorganize sites should include redirecting links; and (3) authors and law review organizations should retain copies of all cited web pages.


The authors surveyed law review editors to ascertain how their cite-checking practices have been affected by the increasing availability of electronic sources. They report a continuing strong preference for paper sources, a practice that conflicts with trends in academic law libraries to reduce the costs of duplicate print subscriptions and interlibrary loans. Arguing that widespread use of image-based electronic documents should lead to changes in law review policy and the citation rules that drive them, they urge librarians to teach journal staff about the availability and reliability of these sources.


Based on his citation study of nearly four million legal authorities on LexisNexis, Smith suggests that such authorities have developed into a web of law that mirrors the Internet’s structure, with its nodes connected by citation links. He reports that about 43% of all legal scholarship is never cited and about 78% receives ten or fewer citations. His conclusion, that network science can improve legal research technology, has implications for the legal scholarship market and for measurement of the scholarly contributions of law faculty.


Solum’s contribution to the Bloggership Symposium\(^8\) argues that law professor blogs constitute important indicators of three transformative trends: the transition from long-form to short-form scholarship, from exclusive rights to open access, and from mediation to disintermediation. He concludes that although blogs alone

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\(^{38}\) Bloggership Symposium, supra note 25.
are not transforming legal scholarship, they do contribute to the transformation of legal scholarship by enabling experimentation.

Solum explores the effect of the open-access movement on legal scholarship. After summarizing and contrasting closed and open access legal scholarship, he examines open access from theoretical perspectives, including the economics of legal scholarship, the role of intermediaries, and dissemination. He concludes by recounting the effects of open access on his own scholarly work.

This paper reports on an empirical study of factors influencing the creation of links to journal web sites for two disciplines: law and library and information science. The authors found that links to a journal’s web site are influenced by both the age of the site and the extent of its content. They also observed disciplinary differences in web site characteristics and recommend further research to gain a better understanding of the patterns of web use by different communities.

Lamenting the continuing decline of judicial discretion, Vladeck argues that legal scholars should find ways to make their scholarship more relevant to state courts, administrative agencies, litigators, and practitioners. To this end, he suggests that online law review companions can play an important role in increasing access to academic legal scholarship. In turn, such scholarship might once again factor into judicial decision making.

In this essay, Volokh offers three practical suggestions for law reviews to use the Internet to improve legal scholarship. Law reviews can: (1) prevent reader error by posting authors’ unpublished sources online; (2) avoid author error by setting up an online database, similar to Shepard’s or KeyCite, to track articles that criticize other articles; and (3) prolong the productive lifespan of articles by publishing electronic pocket parts that allow authors to correct or update their work.

The Future of Technology in Legal Education


   In this essay, Bodie argues that an open-access approach should be applied to legal education. He summarizes this approach and discusses its application to course materials and law school pedagogy. Describing his vision of the open-access law school, he also explores the ways in which open access could transform the nature and structure of legal education.

   One goal of the eEurope 2005 Action Plan, e-Government, is to provide fully interactive online government services. This article describes the e-Government initiative and the response by law schools in Italy. It also points out the deficiencies in this response and proposes a curriculum that would better prepare law school graduates to implement e-Government actions.


   Dean Honabach offers a light-hearted glimpse at legal education in the year 2103. Advances may include customized teaching technology based on brain scans, data-encoded brain implants to replace nutshells and outlines, and hologram decks where students can experience live client interactions in controlled settings. He predicts that virtual law schools will replace their brick-and-mortar counterparts. He also addresses the challenge of transmitting values to law students in a virtual environment.


Martin outlines the benefits of online legal education and the sources of resistance to its widespread adoption in the United States. Despite administrative and institutional constraints, he anticipates an inevitable and substantial shift to online learning in law. Specifically, he predicts that marketing forces will require universities to recreate themselves as global virtual learning nodes in order to remain viable. His paper discusses possible changes, identifies the lead actors in future innovation, and addresses the implications of change for developing countries.


In this position paper, Martin reviews the educational opportunities presented by the digital revolution and the institutional factors preventing law schools from responding to change. He predicts that law schools will become increasingly marginalized as networked students pursue DE at other academic institutions, unless legal educators transform their teaching patterns and classroom materials and learn to work collaboratively with technology specialists.


Morgan’s vision of the future of legal education is based on the skills that lawyers of the future will need. As their clients face increasing global competition, lawyers will become more specialized. The challenge for legal education is to produce legal practitioners capable of functioning in that world. The need to control costs may lead to an increased use of DE to deliver instructional content.


Paliwala discusses the effect of the European Union’s e-Government and e-Communication initiatives on legal education, maintaining that law schools need to combine the black letter of emerging e-Governance law with an understanding of the global communication and governance environment of Europeanization. He concludes that this in turn will require interactive group e-learning that transcends the traditional institutional and national boundaries of legal education.


Paliwala’s book chapter explores the interrelationship between IT and globalization on legal education. Using pedagogical and market perspectives, he examines the transformation in learning spaces and resources caused by commodification, globalization, and digitalization in legal education. Gazing into the future, he discusses the development of virtual learning institutions, the decline of domestic institutions, particularly in developing countries, and increasing differentiation between institutions and regions. Concluding, he calls for increased attention to educational theory.
   Pengelley engages in future-gazing to present his vision of the law library of 2021, discussing the wireless environment in which it will exist and the lifestyles of its users. He also discusses how the evolving law school library will be shaped by web-based legal education, electronic publishing, and the archiving of print materials.

   This article addresses discusses changes anticipated in legal education over the next twenty to thirty years, including use of dedicated VLEs, e-texts, and virtual lectures. Schiavetta explains why physical campuses will continue to play a vital role in legal education, underscoring the obstacles faced by law schools as they attempt to integrate ICT into teaching and learning. She predicts that the role of law professors will shift from principal supplier to support system.

Miscellaneous

   Burnett examines existing ABA and AALS standards in light of the technology infrastructures at law schools. He concludes that the AALS approach is superior because it requires law schools to have a technology plan while allowing them to use resources in ways deemed appropriate by faculty and administration. These plans, Burnett suggests, could then be evaluated by an ABA team of law school technology experts.

   Caron discusses three technologies that he employs to engage his class. First, a wireless student response system extends Socratic dialogue to the entire class, gives feedback on multiple-choice questions, tracks attendance, and creates student performance reports. Second, the multimedia companion web site for his Tax Stories text provides briefs and audio recordings of oral arguments for classroom use. Finally, posts from TaxProf Blog are used in class to illustrate the relevance and currency of the assigned material.

This paper reports the findings from a focus group of seven academicians who used ICT for teaching and learning law. The report addresses the changing characteristics of higher education institutions, motivations for adopting ICT, methods of using ICT to teach law students, difficulties encountered, factors that may influence adoption of new technologies for teaching and learning, and strategies for supporting such initiatives.


Falkow discusses the increasing importance of visual literacy for researchers navigating web sites commonly used in legal academia. After explaining visual literacy principles and their relationship to web design, she applies these principles to evaluate the design of web sites popular among legal researchers. She also provides practical advice for coping with design flaws while using these sites.


This annotated bibliography of scholarly articles examines the impact of technology on law schools and legal education. The bibliography covers literature published in the United States and other English-language countries between 1970 and 2001 and includes an author index.


Maharg explores the link between digital IT and medieval glossed literature. Analogizing hypertext to thirteenth century glosses, he highlights the similarity between the linking of web documents and the complex cross-referencing of marginal and interlinear annotations. Understanding these nonlinear reading skills could help educators appreciate how law students develop hypertextual reading skills. He also suggests that law students would benefit from social software enabling them to create and share their own web glosses.


Maharg’s critical examination of legal education makes the case for significant change in the ways law is studied. Alongside his proposals for a modern adaptation of John Dewey’s model of pragmatic and experiential learning and for greater interdisciplinarity in teaching and learning law, he argues for increased involvement of legal education in technology-enhanced learning. Technological aspects of the book will be updated in Maharg’s blog at http://zeugma.typepad.com, while the Transforming Initiative will be based upon a community of practice wiki at http://www.transforming.org.uk/transforminginitiative.htm.

The U.S. Center for Academic Transformation conducted a study comparing costs of IT-based teaching with traditional teaching. Based on a review of thirty funded projects, the study concluded that instructional technology significantly reduced costs and improved access to online learning resources, performance, and retention rates. The author discusses whether similar initiatives could be successfully adopted in U.K. legal education.


Paliwala provides a critical review of the history of electronic legal education from a global perspective, connecting it with the technologies that shape society, economy, and culture. He discusses transitions in legal information retrieval, the shift from stand-alone to networking pedagogy, covering diverse topics such as VLEs, courseware, podcasts, and social networking, and suggests ways in which these transitions and concomitant conflicts may be negotiated.


This article outlines the impact of technology on five aspects of legal education: (1) the addition of new courses to the curriculum and changes in content of existing courses; (2) changes in classroom teaching and in communications outside the classroom; (3) faculty rewards and recognition for time spent developing or using technology teaching methods; (4) issues relating to access to legal information; and (5) costs of purchasing equipment and training technology personnel.


This article proposes a model for change in legal education. Among the many topics addressed are the technological advances that have changed legal education and the ineffective use of technology as an obstacle to innovation and reform.

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