



Association of Legal
Writing Directors

Creating an Online Remedial Writing Course
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In 2019, I received an ALWD Teaching Grant to develop an online, upper-level writing course. I teach at the University of Oregon School of Law, where I have offered a traditional, in-class, intensive legal writing course over the summer. Typically, the class is geared toward weaker students who need additional exposure to fundamental analysis and writing skills from the first-year course. For those students, the course provides a crucial opportunity to return to basic organization, analysis, and writing mechanics. As summer employment rates have risen and our students have found themselves increasingly occupied during the day, attendance in the course has dropped. When attendance drops, the administration withdraws the course from the schedule.

To continue serving those students and to fill the curricular gap that arises when the course is canceled, I proposed an online, semi-synchronous course so that out-of-town students or students who work during school hours can participate and continue building their skills. To develop the course, I read about best practices in online teaching,¹ met with the University of Oregon's UO Online course development team, and interviewed students who had recently taken an asynchronous research course. Below, I describe the course format and the principles that guided my design. I have included a syllabus that shows in more detail how the course progresses. Finally, I have provided a selection of screenshots that show how my course will be organized on Canvas, the University of Oregon's learning management system.

Course Format

This course is designed as a paced, asynchronous online course. This course relies on multiple platforms: it employs Canvas for course management; Panopto for recording course material; and Zoom for video conferencing. At Oregon Law, this course would be proposed as a two-credit course, to be taught over an intensive five-week summer semester. It could be offered over a 14-week semester, though some of the assignments might be expanded. The pace would feel more leisurely over the longer semester.

The course is partially asynchronous; that is, students can complete the work within the modules at any time during the week. But I will control the pace of the course's rollout over the term, and so it is not fully asynchronous. Canvas allows instructors to lock modules so that students cannot begin a new module until they have completed a prior one. On Canvas, modules can be locked in two ways. One gives the professor control by keeping modules locked until a particular date. Alternatively, Canvas allows students to unlock exercises themselves by

¹ As higher education institutions push to offer more online courses, the institutions are creating websites to support their faculty's course development. I found many of them to be helpful and practical. See MIT's Digital Learning Toolkit (<http://dlt toolkit.mit.edu/online-course-design-guide/>); FSU's Guide to Teaching & Learning Practices (<https://distance.fsu.edu/instructors/instruction-fsu-guide-teaching-learning-practices>); and the University of Illinois' Course-In-A-Box (<https://citl.illinois.edu/citl-101/online-strategy-development/develop-or-revise-an-online-course/online-course-in-a-box/designing-your-course>).

completing a task and/or receiving a score. I will use both. In some cases within a module, I will use the Canvas feature that allows students to unlock their own assignments. In that way, we share control over the workflow; students can work somewhat at their own pace, but they must complete the work in the intended order or complete a revision only after receiving feedback.

Because the course runs at a quick pace and demands frequent feedback from the professor, most assignments are quite short² and the course is designed to be quite small.³ This structure likely would not work with longer assignments or large enrollments. Even with a quasi-paced course, I expect students will turn in work throughout the week and may expect a quick turnaround; because they're not in a classroom with a group of students, they may be less aware of the professor's grading demands and therefore may be less patient about grading time. My in-person writing courses are highly structured, and I control the students' and my timing so I can precisely predict my heaviest workloads. Ceding that control is one aspect of migrating to an online, asynchronous course that makes me particularly uneasy.

Below, I describe the principles that guided my course design.

Guiding Principles

Organization. Online courses require more obvious organization and consistency than an in-person course. Materials should be presented consistently throughout the term, and ideally, all materials should be contained within the LMS. Students struggle when they have to access multiple sites or cross platforms to find materials and assignments.

I organized my course by module according to the general topics I wished to cover. Within each module, I organized the information in a consistent format. I attached screenshots of one module to show how it might be laid out. A typical module would start with one list appearing on a single "page" that links out to other areas in the LMS.

- A description of the topic and learning objectives for the module
- Links to readings (when posted electronically) or references to the assigned text
- Link to the short video on the topic (only available after students marked the reading was complete)
- A list of the "projects" related to the module
 - each "project" will have an assignment memo attached with a clear description of the assignment, the instructor's expectations, and a grading rubric (if graded)

Initially, I mistook organizational consistency for consistency in the teaching methods. I thought I would need each module to unroll in the same way, i.e., an introductory video, then

² Though I have conceptualized each assignment in each module, I have not developed them all in detail. The assignments would vary from term to term, depending on the problems my colleagues have used in the first-year class, and they would vary in length and complexity, depending on enrollment. Once the course is approved by my institution's curriculum committee, I will develop teaching materials in detail.

³ To offer a summer course at Oregon Law, the course would need 12 participants. I would hope to keep it at about that size.

readings, then an exercise. But just as we vary our approach in in-person courses from day to day, depending on the needs of the class, we can vary our approach online. The key is that it *looks* consistent – every unit should be clearly labeled and laid out in the same way so that the information that students need is in the same place from day to day or week to week.

Fostering a Teacher/Student Relationship. One important goal I have in creating this course is to maintain the teacher/student relationship that develops in in-person courses. Due to the frequent interactions with students in my in-person writing courses, I typically come to know students well, though less so in upper-level courses than in the year-long, first-year writing course. But online students often report feeling isolated and alienated from their professors. I am concerned about how teaching online will affect that relationship and how they will receive the feedback I provide.

To maintain a relationship, I built in conferences throughout the course. Students can meet with me in person if they are in the same city, or by telephone or video conference.

I recognize though that for some students, the in-person class can be stifling. Their writing feels personal in ways that their other coursework doesn't, so critiques are painful. Still other students personalize the instruction in a different way, believing they are writing for a particular professor's whims. When the course is somewhat divorced from the professor, I am optimistic that those students will feel less shame facing their critic and less constrained by concerns about writing "what Professor Frost wants." Perhaps they'll feel liberated to experiment.

Video lectures can be a way to personalize the course. For the videos, I will use Panopto. Panopto is Canvas-integrated, LMS software that can show me speaking while projecting my typical teaching materials (sample documents, a PowerPoint, etc.). This simulates the face-to-face instruction they'd get in a typical class; the instructor is not a disembodied voice, but a real person with real expressions. Having a camera trained on me will keep me from reading from a script, creating videos that are perhaps less polished but more authentic.

I also plan to send them video feedback on their writing projects. Instead of simply uploading their document with my feedback on it, I will provide video/audio feedback. I plan to use Panopto for this, too, so students can watch me reading and commenting on their work with a split screen of document I'm reading. I don't expect that creating the videos will be any more time-consuming than marking papers in the traditional way would be. I'm simply introducing new technology to live critiquing.

Even with conferences and videos, engaging students is more of a challenge in an asynchronous course. Researchers recommend sending frequent updates and reminders to keep students engaged and connected. Instead of updating via email, I will post video updates.

Fostering Student Engagement with Classmates. One of the most challenging aspects of online course design is creating opportunities for engagement among students. I rely heavily on peer reviews in my in-person courses, which I will use in this course, as well. Because the course is paced, students will also be at roughly the same place in the syllabus. For peer reviews, I will

assign partners and ask them to exchange work while working in that module. These assignments make the course somewhat less flexible for students. But as a pair, they can work at their own pace within the module.

Perhaps the most common way of creating engagement is through discussion boards: the professor posts a question and requires students to respond. When I interviewed students currently enrolled in an online skills course, a number of students reported low satisfaction with the discussion board requirement. They said it felt artificial. I won't rely too heavily on discussion boards, though I will use them.

In a paced course, instructors can create Professional Learning Communities (PLCs) in which students play a designated role:

“Roles can include facilitator (serves as team leader and key contact to instructor), interpreter (reteaches concepts), reminder (reiterates assignment criteria and deadlines) and mentor (review's peer work and offers professional critique before submission). PLCs are useful for collaboration with authentic activities and assisting with peer scaffolding to support students who are reluctant to participate.”⁴

I don't assign group writing projects in my course, so PLCs do not quite fit.

Universal Design. Universal design is a teaching approach that aims to meet the needs of all students in the classroom. Principles of universal design can help reach students with learning issues and other disabilities. The approach encourages teachers to think deeply about learning objectives, the methods they have traditionally used to assess them, and the barriers their methods might raise for some students. Universal design touches the whole course, but one small way I have incorporated it into this class is in the assessment design. For some assignments, I allow students to choose how they complete work rather than dictating form and format.

Traditionally, I have assessed students primarily through formal interoffice memos, client letters, or briefs. Sometimes that assessment method is appropriate because I am assessing their ability to produce formal, written work in a traditional legal document. But when the outcome I seek is close reading or critical thinking, the formal written product matters less than the thinking itself. For weaker students (and strong ones, too), the multiple layers of skills being assessed in a formal legal document can be overwhelming; some focus more on the formal product than the foundational analytical skills. So for some of the assignments in this course, I have separated the reading and thinking assessments from the formal writing assessments. At times, I offer students the option to complete an assignment in a variety of ways. They can convey their ideas to me in a video, a graphic, or an essay, for example.

⁴ Amy Rottmann and Salena Rabidoux, “4 Expert Strategies for Designing an Online Course,” Inside Higher Ed, accessed on November 30, 2019 at <https://www.insidehighered.com/digital-learning/advice/2017/03/15/4-expert-strategies-designing-online-course>.

Reducing Graded Assignments. This course is designed as a remedial legal writing course for students who need additional exposure to foundational analytical and organizational skills. This course will cover basics of critical reading, analysis, and writing in a more process-oriented way. That is, the assignments are primarily “thinking” assignments. Formal writing is only layered on at the end, after students have spent time practicing and reflecting on the process of thinking like a lawyer.

To further the goal of student learning, I have reduced the number of graded assignments to align with research on the effects of grades. When assignments are graded, students lose focus on the assignment goals and focus disproportionately on the score. In a study about the effect of grades on student learning, researchers found that feedback “supported intrinsic motivation, while grades weakened it.”⁵ Grades create an outsized focus on scores, “depress creativity, foster fear of failure, and undermine interest.”⁶ For these students who found less success in their first-year writing course, the focus on grades may be even more destructive.

Rather than scoring each individual assignment, most assignments are “ungraded,” but failure to turn in the assignment will result in a lack of professionalism points. For interim drafts, I will provide specific feedback about the project and a general assessment of their competence:

- Superior – this draft would be useful to a legal supervisor with minimal revisions
- Competent – this draft would be useful to a legal supervisor, though it would require revision
- Developing – this draft could be useful to a legal supervisor, though the supervisor would have to work harder to understand the law and how it applies or would have to conduct some independent research to understand the law.
- Not Yet Competent – this draft would not be useful to a legal supervisor in its current form.

The final memo project will be graded. Students can use the competence rubric to assess their progress from draft to final.

Discarded Plans. I had initially intended to plan a truly asynchronous course that students could self-pace in order to provide maximum flexibility. I decided that would work less well for the writing class I wanted to teach because of the challenge of providing timely feedback and the loss of engagement between classmates. As for the former, I was concerned that in an asynchronous course, I’d cede all control over when student work arrived for feedback. I suspected I would feel constantly on call and, without the ability to plan my workload, would find that much harder to manage. As for the latter, in a truly asynchronous course that is not paced,

⁵ Becky Supiano, “Grades Can Hinder Learning. What Should Professors Use Instead?” Chronicle of Higher Education, accessed at https://www.chronicle.com/interactives/20190719_ungrading?key=mi0Bff1vaLHL09_no2Emg2V-53BYtCq4a-d9KfkjuPsJHqVHAhdWKHK4aXLrmGBQeTBaQnhDM1B0aGhTMmIMOEQtUEozREFYU2NBam1keEVUVGdIUE5xZWJMSQ.

⁶ Id.

fostering student engagement is significantly more challenging because students are working on different modules at different times. I valued value engagement over asynchronicity.

The “syllabus” is below. It contains seven topical modules, though the work can be completed in five weeks.

Module 1 - Lawyering Tools

Reading and short video lecture

- Reviewing the anatomy of a case (distinguishing parts of a case; understanding the issues)
- Reviewing stare decisis
- Reviewing methods of reasoning (inductive, deductive, analogical, rule-based)

Project 1: Understanding Your Purpose

- What is stare decisis, in your own words?
- Describe how stare decisis governs decisionmaking, using a non-legal example.

(For this project, you may complete the assignment using any format you choose, i.e, a video, a graphic novel, or a paragraph.)

Project 2: Understanding Reasoning

- Inductive reasoning
 - Non-legal reasoning exercise
 - Legal reasoning exercise
- Deductive reasoning
 - Non-legal reasoning exercise
 - Legal reasoning exercise

Module 2 - Lawyering Strategies – Planning and Research

(Modules 2 and 3 are relatively short and can be completed within the same week)

Reading and short video lecture

Project 1: Understanding your project

- Read your file and answer the following questions before you begin researching:
 - what questions do you need to answer?
 - what is your purpose (persuasive, objective)?
 - What information will you need to find?

Project 2: Develop a research plan

- What do you plan to do to in your research process? (What sources will you use; how will you use them? See assignment for more detail.)
- Post your research plan on the discussion board; review at least two other research plans and comment on them.
 - You might consider: Has the researcher correctly identified helpful research questions? What do you think about the sources the researcher plans to use? Has the researcher overlooked any important steps in their process?

Project 3: Reflection

- As your research progress, how did you adjust what you understood about your research questions or your purpose?
- As your research progressed, how did you have to adjust your research plan?
- What went well in your process? What might you do differently the next time this type of problem comes your way?

Module 3: Organizing Analyses Broadly

Reading and short video lecture re: organizational paradigms and thesis statements

Project 1: Organizational Principles

- outline simple (single issue, single case)
- outline complex (single issue, multiple cases)
- outline more complex (multi-issue, multiple cases)

Conference: Meet with Professor Frost to debrief your research process and your complex outline.

Module 4: Communicating Objective Analysis (Explaining the Law)

Reading and short video lecture: knowing your audience

- what can you expect them to know?
- what do they need to know?

Project 1: Audience⁷

- Using the cases we've decided to focus on, briefly explain the law to a friend who is not in law school
- explain the law to a legal supervisor
- explain the law to a client

Project 2: Reflection

- How did your description differ?
- What did you alter in your vocabulary from one audience to the next?
- How did you change your tone from one audience to the next?

Project 3: Peer Review

- Share your explanations with a classmate (I will assign pairs)
- Comment on the varied explanations for your classmate. You might consider: differences in level of detail or the information provided; differences in vocabulary; and differences in tone)

Reading and short video lecture: Micro-organization of a rule explanation

Project 4: Formal Writing

- Convert your explanation of the law to a rule and explanation; this will ultimately appear in your graded memo after you have received feedback and an opportunity to revise.

Module 5: Communicating Objective Analysis (Applying the Law)

Reading and short video lecture

- Purpose of analogy
- Structuring analogies to meet readers' needs
- Purpose of rule-based reasoning
- Organizing multiple comparisons to resolve a complex issue

Project 1: Understanding Reasoning Generally

- use analogy to resolve a non-legal question
- use rule-based reasoning to resolve a non-legal question

Project 2: Reasoning in a Legal Context

- use rule-based reasoning to resolve a legal question
- use rule-based reasoning to resolve a legal question

⁷ For Project 1 and 2 in this Module, you may use a variety of media. For example, you may draft an email or letter to each person; you may write out a transcript of what you'd say in a conversation; or you may create a video of you speaking to each person. Your reflection can be in writing or a video.

Project 3:

- Draft an application section that employs multiple comparisons to resolve a more complex issue; this will ultimately appear in your graded memo after you have received feedback and an opportunity to revise.

Module 6: Drafting Tools for Clarity and Precision

(Modules 6 and 7 are relatively short and can be completed in the same week)

Readings and short video lecture

- expressing rules
- using consistent language to connect rule, explanation, and application

Project 1:

- Revise the draft explanation section and application section for clarity and precision

Conference: Meet with Professor Frost to debrief your draft rule/explanation and application.

Module 7: Editing and Proofreading

Readings and short video lecture

- approaches to editing and proofreading
- common grammar, syntax, and punctuation issues

Project 1: Self-Reflection

- Review and reflect on past feedback from this course and your first-year writing course to create a personalized checklist of common writing issues

Project 2: Honing your editing skills through peer review

- Share a piece of old writing with your classmate (no more than 5 pages)
- edit and proofread your classmate's work, aiming to reduce the word count by 15%

Project 3: Becoming your own editor

- Proofread a piece of your own past writing; using the tools you applied your classmates' work, aim to reduce word count by 15%.

Project 4:

- After incorporating the feedback from me on the substance of your analysis, edit and proofread the nearly final product using the editing tools you employed above. Submit your complete analysis on Canvas (100 points).

The screenshot shows a Canvas LMS interface for a course titled 'Spr 2020 Law'. On the left is a dark green navigation sidebar with icons for Home, Announcements, Assignments, Discussions, Grades, People, Pages, Files, Syllabus, Outcomes, Quizzes, Modules, Conferences, Attendance, Chat, Library Research, and Help. The main content area is titled 'Module 1 Overview' and contains the following text: 'In this module, we will explore some of the concepts and tools that guide lawyerly thinking. We will focus first on stare decisis and then we'll dig into the methods of reasoning that lawyers use. Proceed through the module in the order below, starting out with the readings and a short video from me. Then, work through each exercise. They must be completed by _____. I will provide you with feedback on Canvas.' Below this text is a numbered list of components: 1. Readings, 2. Introductory Video, 3. Project 1 - Understanding Stare Decisis (with sub-links: 'What is stare decisis?' and 'Stare decisis in the non-legal world'), and 4. Project 2 - Methods of Reasoning (with sub-links: 'Inductive reasoning exercise', 'Deductive reasoning exercise', 'Rule-based reasoning exercise', and 'Analogical reasoning exercise'). A paragraph follows: 'In the next module, we'll move on to planning a new legal research and writing project.' At the top right are 'Publish', 'Edit', and a menu icon buttons. At the bottom right is a 'Next >' button.

(The screenshot above shows a “Page” that provides students with an overview of the module with links to each component. The Overview Page can replace a syllabus if they are made available at the outset so that students can see the trajectory of the whole course in one place. See figure below.)

The screenshot shows a Canvas LMS course overview page. The left sidebar is identical to the previous screenshot. The main content area is titled 'Course Overview' and displays a list of modules: Module 1 Overview, Module 2 Overview, Module 3 Overview, Module 4 Overview, Module 5 Overview, Module 6 Overview, and Module 7 Overview. Below this list is a section for 'Module 1 - Lawyering Tools'. At the top right of the main content area are 'View Progress' and '+ Module' buttons. On the right side of the page is a 'Course Status' section with 'Unpublished' and 'Publish' buttons. Below this are several action buttons: 'Choose Home Page', 'View Course Stream', 'Course Setup Checklist', 'New Announcement', and 'Student View'. At the bottom right is a 'Coming Up' section with a 'View Calendar' link and the text 'Nothing for the next week'.

(The screenshot above provides the broad view of the course to students module by module, replacing the need for a syllabus. Because the online environment can be confusing for students, providing a clear indicator of the course’s structure is important.)

The screenshot displays a Blackboard course interface. On the left is a dark green navigation sidebar with icons and text for: Announcements, Assignments, Discussions, Grades, People, Pages, Files, Syllabus, Outcomes, Quizzes, Modules, Conferences, Attendance, Chat, Library Research Help, Panopto Recordings, and Settings. The main content area is titled 'Module 1 - Lawyering Tools' and contains a list of components: Module 1 Overview, Readings, Video Lecture, Project 1 - Understanding Your Purpose, What is stare decisis?, Stare decisis in the non-legal world, Project 2 - Reasoning, Inductive Reasoning - from Specific to General, Deductive Reasoning - from General to Specific, Rule-Based Reasoning, and Reasoning by Analogy. On the right side, there are buttons for 'Choose Home Page', 'View Course Stream', 'Course Setup Checklist', 'New Announcement', and 'Student View'. Below these is a 'Coming Up' section with a 'View Calendar' link and the text 'Nothing for the next week'.

(The screenshot above shows the complete module with each component. Within each component students would find the relevant materials, instructions, and rubrics. Students can access the information either from the Overview Page or from the Module here.)