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WHAT WORKS IN ONLINE TEACHING

MARGARET RYZNAR*

ABSTRACT

This Article offers lessons from an empirical study of an online Trusts & Estates course. Over three semesters, approximately 280 law students responded to a survey on what works well for them in this online course and what does not. Their top three answers in each category may help serve as guidance for faculty creating online courses.

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INTRODUCTION

Certain law schools offered online courses before the pandemic in Spring 2020.¹ Indiana University McKinney School of Law (IU McKinney) was one such early adopter of online programming.² As of 2018, IU McKinney offered approximately twenty asynchronous online courses, most created and run by its tenured faculty.³ My contribution to this online program included an online Trusts & Estates asynchronous course that I have been teaching since 2015.⁴

1. In July 2018, a research assistant searched and examined the website of each of the top 100 law schools ranked by *U.S. News and World Report*. Due to ties, this covered ranks 1 to 99. The assistant looked for information on online or hybrid offerings in course listings and program descriptions. This review of law school websites as of July 2018 revealed that at least thirty schools were offering some number of online courses as part of their law school curriculum. A limitation of this approach is that not all law schools may mention their online offerings on their websites, and newly approved or planned online courses may not yet have been added to the websites.

Under Standard 306 on distance education adopted by the ABA in August 2018, students could earn up to one-third of their total J.D. credit hours online, and ten of those credits could be earned during the first year. This doubled the number of allowable online credits from fifteen. Memorandum from Maureen A. O'Rourke, Chair, Council of the Am. Bar Ass'n Section of Legal Educ. & Admissions to the Bar & Barry A. Currier, Managing Dir., Accreditation & Legal Educ., Am. Bar Ass'n, to Interested Persons & Entities (Feb. 22, 2018), https://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/council_reports_and_resolutions/20180222_notice_and_comment.pdf [<https://perma.cc/5SUD-GTB9>]. In February 2020, at the beginning of the COVID-19 pandemic, the ABA issued guidance that law schools could deviate from ABA standards in an emergency or disaster: "Distance learning often may be a good solution to emergencies or disasters that make the law school facilities unavailable or make it difficult or impossible for students to get to the law school." *Managing Director's Guidance Memo, Emergencies and Disasters*, AM. BAR ASS'N (Feb. 2020), https://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/20-feb-guidance-on-disasters-and-emergencies.pdf [<https://perma.cc/RYE7-DXBL>]. Later in 2020, the ABA gave law schools waivers for the 2020–2021 academic year, allowing them to go fully online, or to allow students to apply an increased number of online credits towards their degrees. See Karen Sloan, *ABA Legal Ed Council Votes to Expand Emergency Powers Amid the Coronavirus*, LAW.COM (May 18, 2020), <https://www.law.com/2020/05/18/aba-legal-ed-council-votes-to-expand-emergency-powers-amid-the-coronavirus/?slreturn=20200802142102> [<https://perma.cc/2KQR-KTZ3>].

2. See, e.g., Cynthia Matson Adams et al., *Upward! (Higher): How a Law Faculty Stays Ahead of the Curve*, 51 IND. L. REV. 413, 413 (2018) ("Full-time and part-time faculty of the IU McKinney School of Law convened together with campus and university partners from the IUPUI Center for Teaching and Learning and Indiana University e-Learning Design and Services for the second annual 'Upward!' teaching symposium at the beginning of Fall Semester 2017. The two-day gathering involved panel discussions on topics including online teaching, online course design, teaching externships, designing lessons for the law school's active learning classrooms, teaching international students, and teaching with an eye to the bar exam.").

3. *List of Online Courses*, IND. UNIV. ROBERT H. MCKINNEY SCH. OF LAW, <https://mckinneylaw.iu.edu/courses/online.cfm> [<https://perma.cc/E3C3-RDXH>].

4. Trusts & Estates is traditionally a "bar course" because the subject matter often appears on state bar exams, and it is typically a "black letter law" lecture course. "The black letter law on any subject consists of rules that can be applied in a very mechanical way without moral qualms or

IU McKinney online courses have been carefully assessed, including with Quality Matters standards and student focus groups.⁵ In my own online Trusts & Estates course, I also included a voluntary, anonymous mid-semester survey on what worked for students and what did not. The results have informed changes to subsequent versions of the course and may help other professors build their online courses.⁶

This online Trusts & Estates course is fully asynchronous and was built over time. In an asynchronous online course, teaching and learning is done through an online learning management system (in this case, Canvas), with lessons organized by modules containing prerecorded lectures by the professor, readings, images, supplemental videos, and student assessment activities that often receive faculty feedback. This differs from synchronous courses done live but online through video conferencing, such as Zoom, which most faculty adopted during the COVID-19 pandemic because of time limitations on planning. Nonetheless, many of the lessons for asynchronous online courses presented in this Article hold true for synchronous online courses as well.

Part I of this Article explains the design of this online Trusts & Estates course and the literature that informed it. Part II outlines the methodology of the empirical study, while Part III presents the results. Part IV offers an analysis of the empirical results, showing that the course flexibility, video lectures, and PowerPoint slides worked best for students, while the duration of the modules and the lack of weekly assessments worked worst for them.

I. FRAMEWORK

When building an online Trusts & Estates course in 2014 with the help of the Indiana University–Purdue University Indianapolis (IUPUI) Teaching and Learning Center as well as the IU eLearning Design & Services, I did so in accordance with the literature on best practices in online teaching.⁷ After

other considerations.” *Black Letter Law*, CORNELL L. SCH.: WEX, https://www.law.cornell.edu/wex/black_letter_law [<https://perma.cc/A9YR-UUQV>].

5. See, e.g., Margaret Ryznar & Yvonne Dutton, *Lighting A Fire: The Power of Intrinsic Motivation in Online Teaching*, 70 SYRACUSE L. REV. 73, 77 (2020) (describing a focus group study of law students on online courses at IU McKinney); QUALITY MATTERS, <https://www.qualitymatters.org/> [<https://perma.cc/YM9J-VBAL>].

6. “[E]specially in the online setting, student preferences should contribute to course design because students are responsible for their own learning in an autonomous setting such as an online classroom.” Yvonne M. Dutton, Margaret Ryznar, & Kayleigh Long, *Assessing Online Learning in Law Schools: Students Say Online Classes Deliver*, 96 DENV. L. REV. 493, 496–97 (2019).

7. This work was supported by an IUPUI Curriculum Enhancement Grant (CEG). See generally *Center for Teaching and Learning: Curriculum Enhancement Grant*, IUPUI, <https://ctl.iupui.edu/programs2/CEG/> [<https://perma.cc/7QJJ-D3EM>] (discussing the Curriculum Enhancement Grant program at IUPUI).

evaluating the literature, I decided to include several elements in each module of the asynchronous online course, which equated to a single live class.⁸

The beginning of each module contained a short summary of the lesson and bulleted learning outcomes. Recently, learning outcomes have received much attention in legal education. The ABA has released a set of Guidance Memos on learning outcomes and assessment programs in the last few years.⁹

Next, I posted a copy of the PowerPoints for the lecture, as well as ten-minute video lectures discussing the PowerPoints. The literature has shown that students learn best with short, chunked video lectures. Studies confirm that video lectures are more engaging when they are short and topical.¹⁰ In this section of the module, I also occasionally included supplementary videos.

Finally, most modules had at least one ungraded assessment, either in the form of quizzes (mostly multiple choice), discussion boards, polls, or sample essays and answers. Student work often received my feedback either individually or as a class. Such assessments have been increasingly recommended in legal education. For example, the ABA has increased its

8. The literature on online programming highlights flexibility as a key advantage of asynchronous online classes. *See, e.g.*, M J Le Brun, *On Becoming a Techie: Making Technology Work for Law*, 52 SYRACUSE L. REV. 1103, 1117 (2002).

9. *See, e.g.*, *Managing Director's Guidance Memo Standards 301, 302, 314, and 315*, AM. BAR ASS'N (Jun. 2015), https://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/governancedocuments/2015_learning_outcomes_guidance_authcheckdam.pdf [<https://perma.cc/NQF2-S8JH>].

10. *See, e.g.*, Philip Guo, *Optimal Video Length for Student Engagement*, EDX BLOG (Nov. 13, 2013), <https://blog.edx.org/optimal-video-length-student-engagement> [<https://perma.cc/QME4-EJBN>] (“The optimal video length is 6 minutes or shorter — students watched most of the way through these short videos . . . The take-home message for instructors is that, to maximize student engagement, they should work with instructional designers and video producers to break up their lectures into small, bite-sized pieces.”). *But see* Karen Wilson & James H. Korn, *Attention During Lectures: Beyond Ten Minutes*, 34 TEACHING OF PSYCHOL. 85, 85 (2007), <https://www.tandfonline.com/doi/abs/10.1080/00986280701291291#.UxdU5-ddXrU> [<https://perma.cc/3Q69-YLXL>] (“Many authors claim that students’ attention declines approximately 10 to 15 min into lectures. To evaluate this claim, we reviewed several types of studies including studies of student note taking, observations of students during lectures, and self-reports of student attention, as well as studies using physiological measures of attention. We found that the research on which this estimate is based provides little support for the belief that students’ attention declines after 10 to 15 min.”).

emphasis on assessment.¹¹ Additionally, the Carnegie Report has noted that a single final exam at the end of the semester may be inadequate for learning.¹²

II. METHODOLOGY

In the first three runs of my online Trusts & Estates course that totaled 316 students across three semesters (Spring 2015, Fall 2016, and Spring 2016), I administered the same mid-semester survey. It was voluntary and anonymous to encourage maximum participation, and approximately 280 students participated.

There were four questions on this mid-semester survey. They were:

- 1) What about this course is working well for you?
- 2) What about this course is not working well for you?
- 3) What is your most AND least favorite type of online activity—discussion boards, quizzes, polls, or sample essays & answers? Please explain.
- 4) Would you take another online class in the future? Why or why not?

The student responses to these questions were then coded and analyzed. This Article presents the top three student responses to the first two questions—what is working well for students in this course and what is not. Previous publications analyzed student responses to the latter two questions—what are students' most and least favorite type of online activity as well as whether they would take

11. See AM. BAR ASS'N, ABA STANDARDS AND RULES OF PROCEDURE FOR APPROVAL OF LAW SCHOOLS 2016-2017 23 (2016), https://www.americanbar.org/content/dam/aba/publications/misc/legal_education/Standards/2016_2017_aba_standards_and_rules_of_procedure.authcheckdam.pdf [<https://perma.cc/RCC7-YJ7D>] (“Standard 314. ASSESSMENT OF STUDENT LEARNING A law school shall utilize both formative and summative assessment methods in its curriculum to measure and improve student learning and provide meaningful feedback to students.”). See also Mary A. Crossley & Lu-in Wang, *Learning by Doing: An Experience with Outcomes Assessment*, 41 U. TOL. L. REV. 269, 271–73 (2010) (giving an overview of the American Bar Association’s consideration of standards regarding assessment).

12. WILLIAM M. SULLIVAN ET AL., EDUCATING LAWYERS: PREPARATION FOR THE PROFESSION OF LAW 167 (2007).

another online class in the future.¹³ Publication of student data from this study received approval from the Institutional Review Board (IRB).¹⁴

III. RESULTS

This study examines what works in online teaching and what does not based on student responses to a voluntary and anonymous mid-semester survey in my online Trusts & Estates course. The top three student responses were analyzed in each category.

A. *What Works*

The first question on my mid-semester survey in online Trusts & Estates asked: “What about this course is working well for you?” Students most commonly noted three elements of the course that worked well for them: the flexibility, video lectures, and course PowerPoints.

1. Flexibility

The largest number of students—just over one-third of respondents—said that the flexibility of the course was working well for them. Students appreciated the various types of flexibility, including schedule flexibility so that they could complete course work late at night and on weekends to accommodate other

13. Margaret Ryznar, *Assessing Law Students*, 51 IND. L. REV. 447, 451 (2018) (“The results are consistent. Each semester, the students reported that their favorite assessment was quizzes, and their least favorite was discussion boards.”); Dutton, Ryznar, & Long, *supra* note 6, at 521 (“The vast majority of students responding to the anonymous surveys indicated that they would take another asynchronous online class . . . Of the 278 students responding to this . . . question [about taking another online class] in Professor Ryznar’s Online Trusts & Estates course, 74% said they would take another online course. [T]his percentage does not fully capture students’ preference for online programming because some students simply responded, ‘[n]o, because I am graduating,’ and other students had more equivocal responses that they would take another online course depending on the type of course, the professor teaching the course, and the structure or layout of the online course. Responses indicated that students wanted to take more online courses so that they could learn at their own pace, access resources that they may not have in a traditional face-to-face class, have flexibility in scheduling (especially helpful for evening students and those with families), and forgo commuting to campus.”).

14. The IRB approval required reporting student responses anonymously. The mid-semester surveys also were anonymous to encourage honesty and participation.

commitments,¹⁵ the flexibility to do the course work on their “own time,”¹⁶ the flexibility to go at their “own pace,”¹⁷ the geographic flexibility of not needing to commute to the law school,¹⁸ the flexibility to do the coursework during the

15. One Spring 2015 student liked “[t]he ability to attend class late at night,” while another liked “that I can finish my assignment and view the lectures over the weekend.” Margaret Ryznar, Spring 2015 Survey (on file with St. Louis University Law Journal) [hereinafter Ryznar Spring 2015 Survey]. Yet another Spring 2015 student noted liking “[t]he ability to complete the course work on a schedule that fits well with both my work schedule and other classes.” *Id.* One Fall 2016 student said, “I have a busy schedule and this flexibility has been outstanding.” Margaret Ryznar, Fall 2016 Survey (on file with St. Louis University Law Journal) [hereinafter Ryznar Fall 2016 Survey]. Several Spring 2016 students also noted their busy schedules. Margaret Ryznar, Spring 2016 Survey (on file with St. Louis University Law Journal) [hereinafter Ryznar Spring 2016 Survey]. Spring 2015 students wrote that, “Flexible scheduling helps me work around my internship schedule and allows me to complete the assignments whenever I have time during the week/weekend”; “Working full-time and being a part-time student can sometime pose challenges when it comes to a scheduled day going as planned. If something urgent pops up with work, I know I will still be able to prioritize this class at another time as long as I get it completed within the week timeframe allowed.” Ryznar Spring 2015 Survey, *supra*. A Spring 2016 student stated, “I like that I can listen to the lectures on my own time. I have tried to stay with a consistent schedule, but sometimes life and other circumstances get in the way of that.” Ryznar Spring 2016 Survey, *supra*.

16. Several students across two sections of the course used these exact words—that they liked working on their “own time.” Ryznar Spring 2015 Survey, *supra* note 15; Ryznar Spring 2016 Survey, *supra* note 15. For example, Spring 2016 students stated: “I like that I can plan to complete my class assignments on my own schedule.” and “I love that you can go through the material on your own time.” Ryznar Spring 2016 Survey, *supra* note 15.

17. Several students across all three sections of the course used the same exact words—that they liked working at their “own pace” and on their “own time.” Ryznar Spring 2015 Survey, *supra* note 15; Ryznar Spring 2016 Survey, *supra* note 15; Ryznar Fall 2016 Survey, *supra* note 15. For example, one Spring 2016 student noted, “I like that we are able to work at our own pace during the week and do not have to log on at specific times.” Ryznar Spring 2016 Survey, *supra* note 15. Another Spring 2016 student noted, “I enjoy the ‘self paced’ format.” *Id.* A Spring 2015 student also confirmed, “I like the self pacing of this class.” Ryznar Spring 2015 Survey, *supra* note 15. A Spring 2016 student mentioned the flexibility of working ahead, “I enjoy the aspect of it being online because I can work on it throughout the week when it is convenient for me, with a deadline that is still days away.” Ryznar Spring 2016 Survey, *supra* note 15.

18. A Spring 2015 student said, “Of paramount importance to me is the convenience of online learning. As a part-time student my time to study and participate in scholastic pursuits is limited by my alter-ego as a father, husband and full-time worker. Not having to drive to class saves me, at least, two hours every night.” Ryznar Spring 2015 Survey, *supra* note 15. Several Spring 2016 students added liking that they do not have to go to the school for the class. Ryznar Spring 2016 Survey, *supra* note 15.

times they feel they are at peak performance,¹⁹ and the flexibility in the amount of time allotted to course assignments.²⁰

One Fall 2016 student marveled at “[t]he on-demand style of accessibility.”²¹ Meanwhile, a Spring 2015 student noted that without an online option, it would be difficult to take Trusts & Estates: “It’s [a] very convenient way to pick up this course. I wanted to take it but couldn’t find a time that would fit my work schedule.”²² Finally, students were able to be more prepared for class when they could push back learning until they finished the reading and initial work. According to a Spring 2015 student, “[i]t works really well to have a flexible schedule. With the ability to do the classes anytime during the week, I always have the material read before class.”²³ Many students found this flexibility to be convenient, as described by a Spring 2015 student: “The convenience factor—incredible.”²⁴ Others described the flexibility as providing freedom.²⁵

19. A Spring 2015 student admitted to liking “[t]he freedom to sit down and do the work and go through the videos at a time that is convenient for me and when I am in the best condition to learn.” Ryznar Spring 2015 Survey, *supra* note 15. Another Spring 2015 student emphasized that “[t]he advantage an online class has over a normal class is that I can go into the lecture instantly after I read the material. In my opinion, that helps clear up any questions I had when reading.” *Id.* A Spring 2016 student also stated, “By being able to listen to the lectures and take my time with class, this significantly cuts down on my stress levels that I feel in preparing for other classes. Thus, I actually feel I learn more by being able to work at my own pace.” Ryznar Spring 2016 Survey, *supra* note 15. Another Spring 2016 student said, “I do my best work when I can piece together study time in between my other responsibilities (family, job, etc.) and this course allows me to do this while keeping me accountable.” *Id.*

20. Spring 2015 students appreciated: “The flexibility in the time to do the assignments”; “Being able to do the classes on my own and having a decent amount of time to get it done”; “The flexibility of being able to watch the videos and review the powerpoints is the best feature.” Ryznar Spring 2015 Survey, *supra* note 15. A Spring 2016 student confirmed, “I really like the flexibility on when I can do the assignments.” Ryznar Spring 2016 Survey, *supra* note 15.

21. Ryznar Fall 2016 Survey, *supra* note 15. Another Fall 2016 student noted, “It’s great to be able to watch the lectures at my convenience whenever and wherever I want.” *Id.* A Spring 2015 student added, “The flexibility to be able to refer to the notes, powerpoint, videos anytime of the day. That is really working well!” Ryznar Spring 2015 Survey, *supra* note 15. A Spring 2016 student noted, “I really like the independent nature of the course. It is very convenient to be able to access/complete the assignments at any point in time during the week.” Ryznar Spring 2016 Survey, *supra* note 15.

22. Ryznar Spring 2015 Survey, *supra* note 15.

23. *Id.* Another Spring 2015 student confirmed, “I always manage...to get the reading and lectures finished because I can do it whenever I have a free minute.” *Id.*

24. *Id.* Another Spring 2015 student said: “I am able to cover the material when it is convenient for me. I have kids, which means my schedule can change at a moment’s notice. I can watch part one of a lecture on Monday and part two on Friday if I need to.” *Id.* A Spring 2015 student added, “I really like having 9 days to find a convenient time to watch the videos rather than having to sit in a classroom for a pre-determined three hours a week.” *Id.*

25. Spring 2016 students stated: “I like the freedom of the work. I am not able to get to the work until late in the week. This means that I am often completing [it] over the final weekend”;

2. Video Lectures

The second greatest number of students—just under one-third of students—said the video lectures were working well for them. Students noted that they were brief and to the point, as well as easy to understand. In particular, many students mentioned the effectiveness of short, chunked video lectures. One Fall 2016 student said, “I get more out of an 8 minute lecture video that gets to the point than an hour lecture that drags on.”²⁶ Another Fall 2016 student agreed, “I learn more in the 10 minute video lectures than in an entire chapter.”²⁷ A Spring 2016 student added: “[b]esides the online convenience aspect, I enjoy the short lectures that get right down to the point of the reading. Trusts & Estates can be a very tough subject to learn, so reading the book and then hearing the important lectures right after helps me understand the take-away.”²⁸

Students also mentioned liking the content of the videos. One Fall 2016 student noted, “[t]he explanations in the lecture videos cover the high points and make the relevant points from the reading more clear.”²⁹ A Spring 2015 student stated:

“Freedom to complete weekly assignments”; “The freedom to pick what days and times I can work on this course and the quizzes.” Ryznar Spring 2016 Survey, *supra* note 15.

26. Ryznar Fall 2016 Survey, *supra* note 15.

27. *Id.* Other Fall 2016 students concur: “I really like how concise the video lectures are”; “The videos are short, to the point, and very helpful”; “I like that the videos are not too long because after doing the readings and taking notes, having to watch long lecture videos is cumbersome”; “I like that the lectures are short and to the point”; and “Your lecture videos are very to the point.” *Id.* Students in other sections of the course agreed as well. For example, Spring 2015 students said: “I like that the lectures aren’t long and to the point”; “It’s much easier with a busy day to fit in a few minutes than a whole few hours’ more of repetitive lecture”; “I particularly like the fact that the lectures are so direct and to the point”; “I like that the lectures are straightforward and aren’t derailed by people asking irrelevant questions or trying to prove how smart they are”; “I appreciate the short, concise video”; “It forces me to learn without relying on long lectures.” Ryznar Spring 2015 Survey, *supra* note 15. Finally, Spring 2016 students also added, “[T]he length of the lectures are manageable”; “Short lectures...allow us to understand a small section of trust and estates law”; “I love the short videos that get right to the point, but do not linger on unnecessary topics. They are the perfect review of the reading and highlight the key points about the law you are trying to emphasize”; “The lectures are short and sweet, which I love, but they cover everything I need to know”; “The powerpoints/video lectures help boil down the readings and explain topics in a concise and understandable manner.” Ryznar Spring 2016 Survey, *supra* note 15.

28. Ryznar Spring 2016 Survey, *supra* note 15.

29. Other Fall 2016 students agreed: “I am able to really get a grasp of the important concepts of the readings while listening / watching the lectures”; “I really enjoy the pre-recorded videos that assist in explaining material from the text and the cases”; “I like the powerpoints and the other info, but what works best for me is the videos; they really help me wrap my head around the material”; “About this course, the video lectures are easy to follow along to and I feel like they explain way better than the book does”; “The lectures are clear and understandable. They are always helpful.”; “I really like the video explanations of each lesson. It allows me to hear the material after I have read the reading for that particular lesson”; “After reading the assignment, the lecture helps provide a good review of the most important points.” Ryznar Fall 2016 Survey, *supra* note 15. Spring 2016

For me, the online lectures are incredibly helpful. By using the book in conjunction with the online lectures, I feel like I am getting the pertinent information in more than one way. This allows me to retain the information. For example, after the reading and looking over the PowerPoints, I usually feel like I have a general understanding of the topics. However, after I take that knowledge and listen to the lectures, I feel like everything comes together.³⁰

A Spring 2016 student concluded, “I find I am able to take very good notes from the lectures.”³¹

In addition, students benefitted from being able to pause, re-wind, and re-watch lectures. As a Fall 2016 student noted, “I like being able to replay the lectures as many times as I like. In an in-person class, sometimes I miss something and can’t go back to clarify it. So, it is nice to be able to review the lecture material at the click of a button.”³² Another Fall 2016 student stated, “I like the online lectures because I can pause the videos and take a second to process what the professor is saying before moving on.”³³ A Spring 2015 student noted that “the video format is great because I can easily pause, play, go back etc. which is required to really get the most out of the material.”³⁴ Another Spring 2015 student added: “Certainly the videos are extremely helpful, but I love that I can save the lectures and obviously refer back to them later for

students added: “The video lectures and case explanations really help me understand some of the material that I’m having difficulty with.”; “I enjoy the videos, they help me make sure I caught the takeaway from the cases”; “[T]he videos clarify anything I may not understand just by going through the slides”; “The lectures are boiled down to the very important concepts needed for the class. They are informative and not overly long”; “I like the videos as a reinforcement of the material.” Ryznar Spring 2016 Survey, *supra* note 15.

30. Ryznar Spring 2015 Survey, *supra* note 15. Another Spring 2015 student noted, “[t]he lectures and the readings do a good job of reinforcing each other.” *Id.* Other Spring 2015 students added: “The lectures are brief and informative”; “The organization of...the lectures are easy to follow”; “The short lecture format is really awesome because it leaves me time to go back and pick things out of the reading that I may have missed the first time. Rather than a traditional lecture where there are words for the sake of words, being direct and to the point is a really great format.” *Id.*

31. Ryznar Spring 2016 Survey, *supra* note 15.

32. Ryznar Fall 2016 Survey, *supra* note 15.

33. *Id.* Other Fall 2016 students added, “I like being able to rewatch/pause lectures as much as needed” and “I can go back through the lecture if I don’t think I understand the cases.” *Id.*

34. Ryznar Spring 2015 Survey, *supra* note 15.

outline/review/studying purposes.”³⁵ Students also appreciated closed captioning of video lectures.³⁶

3. PowerPoints

Finally, twenty-one percent of student respondents said that the course PowerPoints were working well for them. As one Spring 2016 student summed it up, “The PowerPoints . . . have been very beneficial to my learning.”³⁷ Students said they liked both the content of the PowerPoints³⁸ and their easy accessibility.³⁹ They appreciated receiving them at the same time as the video lectures so that they could read them, often before watching the lecture.⁴⁰

35. *Id.* Other Spring 2015 students added: “I really appreciate the videos though because if I don’t catch or understand something the first time, I can either go back and watch it again or rewind it”; “I can rewind the lecture if I miss something the instructor says”; “I really like to have the powerpoint slides and lectures available to stop and go back or go forward as is needed and take better notes from that.” *Id.* Spring 2016 students added: “The online video instruction with the powerpoint slides is working great. I am able to follow along without any problem and can pause and re-listen to the video if I need to” and “I think you are very thorough in discussing all the material, but sometimes you go a little fast. Being an online class, the ability [to] pause helps with that, however.” Ryznar Spring 2016 Survey, *supra* note 15.

36. A Spring 2015 student mentioned, “I really like the closed-captioning because sometimes it is difficult to understand the professor during the lecture videos.” Ryznar Spring 2015 Survey, *supra* note 15. Some video platforms automatically caption videos using speech recognition technology, such as Kaltura, which offers eighty to ninety percent accuracy. *Captions & Enrichment Services (REACH)*, KALTURA, <https://corp.kaltura.com/video-content-management-system/reach-automatic-captioning/> [<https://perma.cc/GV7B-5J2S>]. Other video platforms require sending the videos out for professional captioning, which can often be done through the main campus of the university for a fee.

37. Ryznar Spring 2016 Survey, *supra* note 15.

38. Spring 2015 students wrote: “I appreciate the power point slides as well. They are easy to understand and lay everything out clearly”; “I really appreciate the informative powerpoint slides.” Ryznar Spring 2015 Survey, *supra* note 15. Spring 2016 students added: “I really like that the PowerPoints consolidate the chapter’s information into the most pertinent information and present it in a readable way. It helps to step back and make[] sure you didn’t get lost in the weeds of the reading”; “I really enjoy the powerpoints. They are well formatted, and I feel they really aid in my understanding of the topic (in terms of putting it all together)”; “The powerpoints do a good job of reinforcing the key elements that we learn in the book.” Ryznar Spring 2016 Survey, *supra* note 15.

39. Fall 2016 students noted: “I like being able to download the Powerpoint[s] to go through them myself”; “Also, having the powerpoints easily available is very helpful.” Ryznar Fall 2016 Survey, *supra* note 15.

40. Spring 2015 students noted: “I really like that the slides are provided simultaneously with the lecture”; “It is much easier for me to read through the slides first, then take notes on them while listening to the presentation”; “Love the lecture videos and that the powerpoints are available separately. That way I can take notes first then listen to the lecture and add any additional points.” Ryznar Spring 2015 Survey, *supra* note 15.

Students commonly used the PowerPoints to organize their class notes and outlines.⁴¹ As one Fall 2016 student said, “I enjoy having the PowerPoints ahead of time so I can type my notes and then just listen to the lecture and add additional thought to my notes.”⁴² Students also used the PowerPoints to review the concepts covered in the readings and lecture.⁴³

B. *What Does Not Work*

The second question on the mid-semester survey in online Trusts & Estates asked, “What about this course is not working for you?” Most students answered with one of three common responses: nothing, the duration of the modules, or a desire for more assessments.

1. Nothing

Just over one-third of all students said that nothing was not working for them—in other words, that everything was working for them. Many students answered the question of what was not working with “Nothing,” “N/A,” “no issues,” “can’t think of anything,” “going well,” or “no complaints.”⁴⁴ As one

41. For example, students in the Fall 2016 survey said: “The power points are very helpful for organization”; “Your powerpoint slides are extremely helpful. It benefits me to see how you organize the information and apply it to both [Indiana] and UPC statutes”; “The powerpoints are organized and comprehensive”; “Also, although some peop[le] don’t like powerpoints, or think they make it ‘too easy’ for students, yours definitely help . . . They provide the pertinent black letter law and do a good job highlighting the important parts.” Ryznar Fall 2016 Survey, *supra* note 15. A Spring 2015 student added: “Also having the slides is really helpful because I can bring these into my notes and organize as I listen to the lecture.” Ryznar Spring 2015 survey, *supra* note 15. Spring 2016 students also noted: “I like to use the powerpoints to take lecture notes on. I think they are a great outline”; “I enjoy the presentations and most importantly the PP slides to the presentations. They are so helpful when taking notes of my own.” Ryznar Spring 2016 Survey, *supra* note 15.

42. Ryznar Fall 2016 Survey, *supra* note 15.

43. As one Fall 2016 student put it, “The length of the power points is excellent. I feel like they convey the information concisely, but thoroughly, and that they really help in reviewing the material.” *Id.* Spring 2015 students noted: “I find the PowerPoint slides very helpful to follow along with during the videos and also save to reference back later”; “I love the powerpoints and how we go over the cases after the law is explained”; “I love that the lecture slides and cases are posted as power points that can be saved and accessed later”; “I particularly like that she allows us to download the powerpoint slides that correspond with her lectures because I have gone back and reviewed several topics to ensure I understand the material.” Ryznar Spring 2015 Survey, *supra* note 15.

44. Ryznar Fall 2016 Survey, *supra* note 15; Ryznar Spring 2015 Survey, *supra* note 15; Ryznar Spring 2016 Survey, *supra* note 15. For example, one Fall 2016 student stated, “This class has been great. No issues here.” Ryznar Fall 2016 Survey, *supra* note 15. Other Fall 2016 students added: “There is nothing really that doesn’t work, I think it is a great class”; “Everything is going well to this point”; “Nothing really. All is well!”; “I am enjoying the course - no issues here!” *Id.* Spring 2015 students added: “I don’t think I can think of any complaints”; “Nothing—I’m fine with everything to date.” Ryznar Spring 2015 Survey, *supra* note 15. Spring 2016 students added: “I

student stated, “Everything is going well so far.”⁴⁵ Another student confirmed, “Everything is fine or better. I’m learning a lot.”⁴⁶

Some students further elaborated. For example, one Fall 2016 student stated, “Nothing so far. I thought at first that it would be difficult to have the motivation to watch the videos on my own, but that has not been a problem. I typically read the textbook first, then listen to the online lectures.”⁴⁷ Another Fall 2016 student said, “I can’t think of anything that isn’t working well for me in this course. I feel as long as I’m doing the readings, watching the videos, and practicing the questions in the book and posted sample essays that I have a good understanding of the concepts.”⁴⁸ Yet another Fall 2016 student said, “Nothing so far. I am generally not a fan of online classes because I think that students miss out on engaging . . . conversation with the professor, but I do not feel that way about this course.”⁴⁹ A Spring 2015 student said, “Nothing really. I don’t feel my ability to learn or the way in which the material is taught/presented is hampered at all by the online setting.”⁵⁰ Another Spring 2015 student said, “Nothing, really. I understand the material and have access to the professor if I have any questions.”⁵¹ Finally, a Spring 2016 student said, “I really do not think anything. I enjoy the checks and quizzes to make sure we are understanding the material. I also very much enjoy the real life examples of what we are learning about. I think I have watched those videos after doing the assignment and then texted someone to tell them something really interesting about a celebrity.”⁵²

2. Modules Should Not Close

In response to what did not work in the course, fourteen percent of students also preferred to keep modules open instead of locked after a period of being

think that everything about this class is working for me so far. I do not really have any concerns, or complaints”; “Everything works!”; “So far, so good.”; “Zero complaints. This class has the best format of any other law class I’ve ever taken”; “I really like everything about this course. I think it is great and extremely helpful!”; “Nothing - everything is good so far!”; “Personally, I am really enjoying this class.” Ryznar Spring 2016 Survey, *supra* note 15.

45. Ryznar Fall 2016 Survey, *supra* note 15.

46. Ryznar Spring 2015 Survey, *supra* note 15. Other Spring 2015 students added: “I really don’t have anything negative to say about this course”; “I have had no problems with this course thus far”; “Love this course! No changes.” *Id.*

47. Ryznar Fall 2016 Survey, *supra* note 15.

48. *Id.*

49. *Id.*

50. Ryznar Spring 2015 Survey, *supra* note 15.

51. *Id.*

52. Ryznar Spring 2016 Survey, *supra* note 15. Other Spring 2016 students added: “I enjoy this format. Everything works great for me”; “I can’t really think of anything. It is convenient, informative, and requires an appropriate time requirement from students”; “Honestly, I am loving this class and how it is set up. I think we are given great lectures and plenty of practice problems and information to help us study and prepare.” *Id.*

open.⁵³ Many of these students wanted them open for review purposes. A Spring 2015 student explained, “I do wish that the lecture videos were available after the close of the week’s material. I would love to be able to keep reviewing even after that week’s material is done.”⁵⁴ As one Spring 2016 student stated, “I wish the classes would always stay open. I like to review and outline throughout the semester and wish I had all of the material available.”⁵⁵ Another Spring 2016 student confirmed, “It would be great if the past content was accessible, so that if I realize in a later class that I do not have an adequate understanding of a concept previously covered I could go back and review that lecture.”⁵⁶

Some students noted the motivational benefits of locking modules instead of keeping them open, such as a Spring 2015 student who said, “I like that the lectures are on this time frame because it makes me do the work throughout the semester instead of waiting until closer to finals.”⁵⁷ Other students confirmed that they procrastinate in online courses whose modules do not lock. For example, one student noted, “I really like that we have an assignment (actually two) every week. And, if we don’t get to it, the class closes out. I had another online course that I procrastinated and waited until the end of the semester to do all the work, and am happy this class is more structured as it helps keep me on track and not feeling guilty every week.”⁵⁸ One student concluded that the lock schedule of modules helped with accountability: “I love the way this online course is taught and what works the best for me is that the sessions close every week. It allows me to hold myself accountable.”⁵⁹

53. However, one Spring 2016 student wanted even shorter module openings: “Although I enjoy having a full week to do assignments, I feel I would be more disciplined and focused on the course if lessons were open for a shorter period of time. I understand that one of the benefits of an online course is the ‘do it on your own time’ structure.” *Id.*; see also *infra* Part IV.

54. Ryznar Spring 2015 Survey, *supra* note 15. A Spring 2016 student similarly said, “I wish the lectures would be made available outside of the week long period. It’s hard to really synthesize the material from just the powerpoints and the reading, and I try to listen to the lectures multiple times so that the lesson really sinks in.” Ryznar Spring 2016 Survey, *supra* note 15.

55. Ryznar Spring 2016 Survey, *supra* note 15.

56. *Id.* A Fall 2016 student added, “I wish the videos never became [i]naccessible. It would be nice to go back to them for review.” Ryznar Fall 2016 Survey, *supra* note 15. Another Fall 2016 student stated, “I wish we could go back and look at the past exercises to continue to practice and learn these aspects.” *Id.*

57. Ryznar Spring 2015 Survey, *supra* note 15. Another student in the same class liked “[t]he fact that the assignments are due every week and that the lectures are taken down every week, which makes me keep up with the course.” *Id.*

58. *Id.* Another student agreed: “I love that this class is structured, so I HAVE to work on stuff every week for it. (In other words, I love that I can’t put this class off like I did for a previous online class.)” *Id.*

59. Ryznar Spring 2016 Survey, *supra* note 15. Another student in the same course agreed, even using similar wording: “I am enjoying the course schedule and the fact that the modules are only available for a week before locking. This structure holds me accountable.” *Id.*

However, some students suggested a compromise of locking the assessments to ensure timely course participation while keeping other content open. As a Fall 2016 student said, "I wish the modules would stay open longer to be able to review. I could see still having due dates for assignments and quizzes, but would like to be able to go back and review."⁶⁰ Some students said that keeping the modules open would give the course added flexibility.⁶¹

3. Not Enough Assessments

Finally, ten percent of students wanted weekly assessments. Some students remarked that the assessments showed them whether they were learning. As one Fall 2016 student said, "I would like to have quizzes every week. I really feel like I have mastered the material when I am able to take them, and get the questions right. There are also helpful explanations when I get a question wrong."⁶² Another Fall 2016 student was surprised to appreciate the assessments, "I did not like that there were not any quizzes for the past couple of lessons, for whatever insane reason, it's nice to be tested on what you expect us to know from those lessons."⁶³ In addition, many students said that assessments keep them on track in the course, motivated, and accountable. As one Spring 2015 student noted, "Honestly, not having something to participate

60. Ryznar Fall 2016 Survey, *supra* note 15. A Spring 2015 student agreed, "I don't really like how the lessons completely close after 11am Monday. It is fine that the quizzes or poll questions close, but it would be helpful if I could still listen to the lectures again or be reminded of the reading in case I want to go back." Ryznar Spring 2015 Survey, *supra* note 15. Other Spring 2015 students concurred. For example, one said, "If you could allow the past online lectures to be accessed and just close the polls, quizzes, etc. that would be awesome. I like to go back and listen to the lectures when I didn't understand something the first time or if I have forgotten something after I thought that I understood it." *Id.* Another one said, "I think it would be a better learning tool if the classes did not lock out after the deadline. It would be better if the questions or polls locked, but the slides and lectures were still available to review." *Id.* Spring 2016 students added: "I also suggest to keep the classes available all time and to insist just on the due date of quizzes and other assignments"; "The materials should be accessible throughout the semester. Having quizzes with a time limit on them would help encourage people to stay on top of the material." Ryznar Spring 2016 Survey, *supra* note 15.

61. One Spring 2015 student said, "While I understand the need for some due dates, particularly for discussions, it would be great to leave some of the lessons open for added flexibility." Ryznar Spring 2015 Survey, *supra* note 15. A Spring 2016 student agreed: "It would be nice if more than 1 week[] of classes would be open so that I could do a couple weeks at a time for when my other classes and work are really busy." Ryznar Spring 2016 Survey, *supra* note 15.

62. Ryznar Fall 2016 Survey, *supra* note 15. Other Fall 2016 students confirmed: "I would like a quiz after every section. I like being tested over the material. If that is not feasible, at least a quiz on the hardest areas"; "I believe there should be quizzes every week. For the weeks in which there has not been a quiz, I feel that I have no way to see if I truly understand the material." *Id.* A Spring 2015 student added, "There could maybe be a few more short answer questions each week to help test what we have learned and read." Ryznar Spring 2015 Survey, *supra* note 15.

63. Ryznar Fall 2016 Survey, *supra* note 15.

in every week doesn't work as well for me. I like having an assignment, because it keeps me accountable for the reading and lectures."⁶⁴ Another Spring 2015 student put it more starkly, "When there are quizzes, I read."⁶⁵ A Spring 2016 student added, "There have not been self-assessments for the last two weeks, so there is not as much incentive to dig in to the material at a deeper level. Those assessments help provoke my own thinking about the subject and require me to use my critical thinking abilities."⁶⁶

IV. IMPLICATIONS

There are several implications of this study for what does and does not work well for students in an online course. They are particularly useful for course design.⁶⁷

In regard to the students' desire for flexibility in online courses, asynchronous courses are more desirable than synchronous courses because they provide maximum flexibility to students with families, work commitments, or packed daytime courses.⁶⁸ Synchronous courses, meanwhile, provide only geographic flexibility because they have set times for live but online meetings.

However, students were also clear in their surveys that they would not take just any online class. For example, in response to the last survey question of whether they would take another online course, approximately sixteen percent of all online Trusts & Estates students specified that they would only take a well-structured online course, while approximately five percent said that whether they would take another online course depended on if they were interested in the subject.⁶⁹

64. Ryznar Spring 2015 Survey, *supra* note 15. Another Spring 2015 student added, "I struggle the weeks there is no online assessment, because it is easier to make a half-hearted effort at learning the material." *Id.*

65. *Id.* A Fall 2016 student confirmed, "On weeks we don't have to actually complete an activity, I find myself skipping over the lectures to come back to before the final." Ryznar Fall 2016 Survey, *supra* note 15. A Spring 2016 student also stated, "It's hard to stay on track when there are no assignments due. I find myself barely skimming the material when nothing is due." Ryznar Spring 2016 Survey, *supra* note 15.

66. Ryznar Spring 2016 Survey, *supra* note 15. Another Spring 2016 student said, "It would be nice to have to submit something online for every class. These mandatory assignments help keep me on track with the online classes. When we do not have anything to submit for a week, it is easier for me to fall behind—but I know that it's ultimately my responsibility to keep up!" *Id.*

67. *See supra* note 6 and accompanying text.

68. "Student demand for online classes is high, particularly in the third year or in part-time programs when externships, study abroad programs, and employment opportunities increase the opportunity cost of showing up for live classes." Max Huffman, *Online Learning Grows Up—and Heads to Law School*, 49 IND. L. REV. 57, 76 (2015) (describing Professor Huffman's Comparative and International Competition Law asynchronous online course).

69. Ryznar Fall 2016 Survey, *supra* note 15; Ryznar Spring 2015 Survey, *supra* note 15; Ryznar Spring 2016 Survey, *supra* note 15.

In their survey comments, students elaborated. Several students in Fall 2016 Online Trusts & Estates stated that they would take another online course if it was structured well, including one who explained, “I would take another online class from you because I like the way you have structured the class.”⁷⁰ Another student stated, “Yes—I would take an online course as long as it is well-organized (as this course is!).”⁷¹ Another student confirmed, “Yes, but only if it had the structure and ease of this course.”⁷²

In regard to the prerecorded video lectures, student responses affirm the literature that recommends short videos.⁷³ Indeed, a few ten-minute videos in one module seemed to work well for students.

Finally, in regard to the PowerPoint slides, it is clear from the student responses that they liked having them. Given that students often use them for their outlines and notes, it is best to post slides in PowerPoint format instead of PDF so that students could type notes on them.

Interestingly, out of hundreds of responses, there were only three student comments on the inclusion of learning outcomes in each module. The first was: “I think you do a wonderful job of laying out the learning objectives, and structuring the course. I know exactly what you expect us to take away from each lesson, and I really feel that I understand the material.”⁷⁴ The second was: “The division of the course into segments with planned outcomes helps make more sense out of the material.”⁷⁵ The third was: “I also think the information

70. Ryznar Fall 2016 Survey, *supra* note 15. In response to whether they would take another online course, other students in Fall 2016 Online Trusts & Estates stated: “Yes, if it is set-up this way”; “I would definitely take another online course with this professor, because this particular course has, so far, been a great learning experience”; “I would definitely take another one of your online classes in the future. I appreciate the amount of time that you have put into organizing the course”; “If they were set up like this, yes I would.” *Id.* Students in Spring 2015 Online Trusts & Estates responded to the same question: “If they were structured as this class is, then yes. If it is merely a free-for-all with no structure, then no”; “It would have to be one that is similar both in substance and style because I do believe the substance of this particular class suites itself well to being taught online and likewise the laid back style of the lectures”; “I would take another online class in the future if it were set up like this course. I like the lecture videos. I love that the professor is so accessible and open to suggestions to continuously improve the quality of the course. I appreciate the variety of activities and the different ways the professor provides information to the class.”; “Yes, I would take another online class in the future if it’s structured similar to Trusts & Estates. Online courses allow flexibility, and they also put a large part of the responsibility on the student to learn. The way Trusts & Estates is structured, I know I will only succeed if I take an active role in class. I like having ownership of my own learning.” Ryznar Spring 2015 Survey, *supra* note 15.

71. Ryznar Fall 2016 Survey, *supra* note 15.

72. *Id.*

73. *See supra* Part I.

74. Ryznar Fall 2016 Survey, *supra* note 15.

75. Ryznar Spring 2015 Survey, *supra* note 15.

and objectives are clearly laid out.”⁷⁶ There is thus a mismatch between the literature on learning outcomes and this study—the former emphasizes the importance of learning outcomes, whereas the latter does not.

Despite the students’ seeming ambivalence on the helpfulness of stated learning outcomes, I would recommend including them for the course and each module. However, I would also suggest keeping them short. Given that students seem to neglect written learning outcomes, succinct ones may have the best chance to be read by students.

In terms of what does not work for students in online courses, many said that they would prefer modules open the entire course instead of having them lock according to a syllabus schedule. Indeed, one decision for a professor teaching an online course is how long to keep the content open to motivate students to complete the course in a timely manner while still providing them with the opportunity for flow.⁷⁷ Based on the student comments, I initially decided to keep each module open for ten days in order to include two weekends, and to re-open all modules one month before the final exam for review purposes. Ultimately, however, I decided to unlock two modules at the beginning of each week, lock assessments at scheduled due dates, and then leave the modules unlocked for the rest of the semester.

Lastly, the students’ preference for weekly assessments in each module confirms the extensive literature showing the benefits of assessments to learning.⁷⁸ The fact that this online Trusts & Estates course used low-stake ungraded assessments in the modules, of which students wanted more, illustrates that formative assessments are useful to students.⁷⁹

CONCLUSION

In sum, this study of approximately 280 students in three semesters of an asynchronous online Trusts & Estates law school course showed what works for students and what does not. Specifically, students found that the flexibility,

76. *Id.*

77. “Mihaly Csikszentmihalyi, a pioneer in the field of positive psychology, . . . is credited with discovering that people find genuine satisfaction during a state of consciousness he called ‘flow.’ While in this state, people are completely absorbed in an activity, and feel ‘strong, alert, in effortless control, unselfconscious, and at the peak of their abilities.’ . . . [F]low states are generated by activities in which a person feels challenged, but not to the point of being stressed or bored (i.e., it’s a good ‘fit’).” Scott E. Friedman, Andrea H. HusVar, & Eliza P. Friedman, *Advising Family Businesses in the Twenty-First Century: An Introduction to Stage 4 Planning™ Strategies*, 65 *BUFF. L. REV.* 425, 484 (2017). “Motivation is a vital part of self-regulation.” E. Scott Fruehwald, *Developing Law Students’ Professional Identities*, 37 *U. LA VERNE L. REV.* 1, 13 (2015).

78. *See supra* Part I.

79. *See* Olympia Duhart, “*It’s Not for A Grade*”: *The Rewards and Risks of Low-Risk Assessment in the High-Stakes Law School Classroom*, 7 *ELON L. REV.* 491, 491–96 (2015) (explaining that formative assessments may be ungraded while summative assessments are graded).

video lectures, and course PowerPoints worked well for them. Meanwhile, they wanted unlocked modules and more assessments. These lessons informed future versions of this online course and may help other faculty creating online courses.

