

Online Continuing Legal Education:

Breadth, Depth, and Efficiency

A white paper on the state of online continuing legal education

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The evolution of continuing legal education

In *Blown to Bits*, authors Philip Evans and Thomas S. Wurster discuss the impact of the Internet on information dissemination. Their discussion foretells the creation of a new economy, which results from linking information resources together in dynamic new ways, extending the reach of information to new audiences and increasing richness (people can customize information and delivery in a way that is interactive, entertaining and secure).

Making continuing legal education (CLE) resources available online is a prime example of how the Internet can create a new and more enriching experience from an old, established activity for the benefit of those who provide and use those resources.

Legal professionals in the United States have a long tradition of maintaining professional excellence through lifelong study of the law. In 1975, the Minnesota State Bar Association became the first bar association to codify minimum levels of annual CLE coursework.

Today, of the more than 1 million attorneys in the United States, approximately 800,000 are required to complete a minimum of 10 to 15 hours of mandatory continuing legal education (MCLE) each year. Many members of the legal profession far exceed this minimum to enhance their expertise in particular areas of the law and increase their own understanding of the underlying business, scientific, and other issues their clients face.

This commitment to lifelong learning requires the dedication of substantial resources – time, money, and business growth opportunities – on the part of both participating lawyers and their law firms. Lawyers make this commitment to MCLE in response to rapid changes in technology, and so they can manage greater complexity in the law, to provide clients with broader services, and balance their professional life with their personal life.

Online delivery of CLE programs can effectively eliminate the need for speakers and meeting rooms. Having access to the information via the Internet enables attorneys to participate in CLE programs at any time and from anyplace. Further, the expanding collection of CLE programs available online is freeing attorneys from space and time confines, and offering a variety of experiences from a broader list of legal authorities.

Traditional CLE materials are often cut-and-paste compilations of cases, statutes, and articles. These compilations, which usually have a shelf life of only a few weeks, are now revitalized with links to current, accurate, and authoritative information resources - extending the usefulness and relevancy of produced coursework.

Materials provided online, with links to cases, citators, annotations, and practice materials, create a new paradigm of research, starting with the thought processes of the attorneys teaching the CLE programs and backtracking to the research materials – the original and secondary sources they used to develop their theories and methods – resulting in greater accessibility and richness delivered on the Internet.

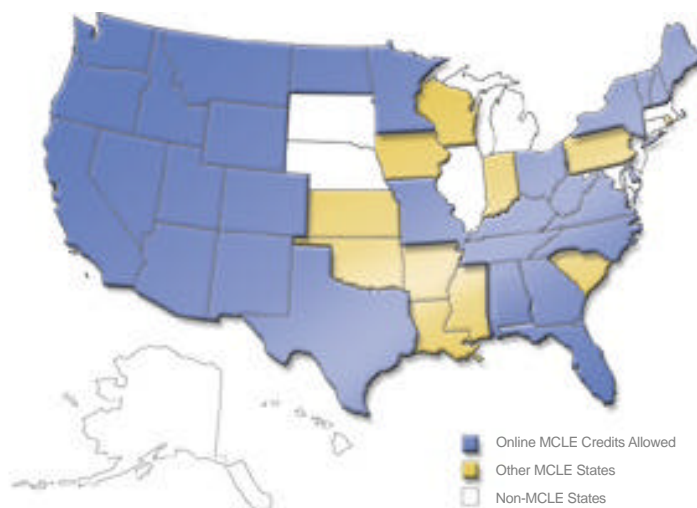
The growing availability of online education, or “distance learning,” is creating new options for meeting MCLE requirements. Distance learning presents many advantages, including new methods of student/faculty interaction, more control over the pace of study, and the ability to link to libraries of online research information. Distance learning also helps meet the challenges facing the legal profession by offering greater flexibility, competitive tuition costs, and fewer lost billable hours and by requiring no travel.

Still, for many firms, online CLE remains uncharted and unexplored territory. Following theories set forth in Geoffrey A. Moore’s *Crossing the Chasm*, reluctance to try something new is a well-understood phenomenon that occurs at the beginning of any transformation that is based principally on the new benefits that technology can provide. The relative newness of online CLE offerings, combined with some degree of internal inertia – traditional CLE is simply what many firms are used to – means that “technology enthusiasts” will be the first to try online CLE, followed, sometimes very rapidly, by the rest who consider themselves more “pragmatic.”

Here’s a brief examination of what online CLE is and how it stands to benefit lawyers and firms.

The Current State of MCLE

In the 40 states (see map) that currently have continuing legal education requirements, attorneys must take an average of 13 hours of MCLE accredited courses each year. While meeting these requirements certainly motivates lawyers to take continuing legal education courses, most participate in MCLE to maintain their legal knowledge base, stay current on recent case law or other developments in their practice areas, learn legal strategies from the experts, and to learn about new technologies. This use of MCLE is underscored by recent survey findings that lawyers in non-MCLE states take an average of 10 hours of MCLE credits each year.



More than 10,000 MCLE courses are produced nationally each year. Approximately 350 state, county, and city bar associations and about 25 national associations develop many of these programs. Solo practitioners and small law firms tend to take local (city, county, and state) bar programs and national programs provided by practice-area organizations such as the American Bankruptcy Institute and the Association of Trial Lawyers of America. Lawyers in large firms (40 lawyers or more) tend to participate in courses from large national providers such as Practising Law Institute (PLI), American Lawyer Media, American Law Institute-American Bar Association Committee on Continuing Professional Education (ALI-ABA) and Glasser LegalWorks.

Currently, attorneys complete more than 90 percent of their MCLE hours by personally attending live seminars – typically held in hotel ballrooms and other venues in large metropolitan areas.

Lawyers and firms amass considerable expenses participating in MCLE programs. In addition to tuition fees and materials costs, MCLE participation often requires extended travel, lost billable hours, and lost business opportunities. Combined, these factors considerably compound the cost of continuing legal education.

Growth of Online Learning

Educational institutions for decades have used distance learning. The venerable correspondence course for a high school, GED, or college degree is one example. The recent explosion in Internet technologies, particularly streaming video/audio, broadband, e-mail, chat rooms, and discussion groups, has dramatically improved the quality and breadth of offerings for all forms of distance learning. This is particularly true for CLE, where state licensing authorities are increasingly giving MCLE accreditation to online courses.

Twenty-eight states currently accept some or all MCLE credit hours earned online. For example, New York permits experienced attorneys to earn all of their MCLE credits online (24 per reporting period), while California MCLE rules allow all attorneys with more than two years of practice to use distance learning to meet half of their MCLE requirements (12.5 of 25 credit hours every three years).

Momentum is clearly growing for broad acceptance of online MCLE. Underscoring this trend, Nevada is among the states increasing the number of MCLE credits they will accept from online participation (increasing from 6 of 12 credits in 2001 to full credit in 2002). In addition, the American Bar Association proposed a new MCLE rule that calls for all 40 MCLE states to recognize the Internet as an approved delivery media for MCLE.

Benefits of Online MCLE: Time, Expense and Travel

Legal professionals save considerable time and money participating in online MCLE by eliminating travel to MCLE seminars. Online participation means the attendee sets the schedule for beginning and completion. The result is a considerable reduction in lost billable hours due to travel time.

Flexibility

Online MCLE allows participants considerable control and flexibility over their MCLE requirements. Rather than conforming to the rigid schedule imposed by traditional MCLE seminars, online participants can take MCLE courses whenever their schedules allow. It can be done during workdays, evenings, weekends, and holidays.

In addition, attorneys have a range of choices as to where they participate in online MCLE courses. The courses can be taken in the office, at home, or anywhere else Internet access is available.

Online participants also have greater control over the pace of the MCLE experience. Legal professionals can choose live Webcasts or archived seminars. The archived materials are available on demand, and can be started, paused, or stopped at any time. In this manner, participants can take courses discontinuously, accessing the material in segments whenever their schedules permit.

More Effective Learning

To date, no scientific evaluation comparing information retention in traditional vs. online environments has been completed. However, educators have long held that participation improves learning outcomes, and using multiple learning approaches increases rates of retention (see table).

Learning Activity	Retention Rate
Reading	10%
Hearing	20%
Hearing & Seeing	50%
Saying (Discussion)	70%
Saying & Doing	90%

Distance learning employs multimedia technology, enabling the creation of a learning environment that employs a combination of learning methods. Additionally, users can customize their participation by adapting coursework and materials to their own preferences, styles of learning, and schedules. Materials can be downloaded, reviewed, and printed at any time. And citations can be linked to related authorities. Archived online seminars can be paused to allow study of materials, and segments can be replayed for review, obvious impossibilities with traditional speaker/forum MCLE settings.

What to Look For in an Online CLE Provider

Although the format and presentation of online CLE programming varies among providers and even among courses, online CLE providers should offer the following:

- A wide variety of CLE programs from recognized, accredited providers
- Live Webcast and archived presentations delivered as streaming video and/or audio

- Automated CLE participation reporting and tracking tools
- The ability to download and view electronic copies of program materials and handouts
- Links from citations within course materials to related legal documents
- E-mail notification of upcoming CLE programs in the practice areas and jurisdictions specified by the attorney

Existing Online MCLE Offerings

Currently, online CLE is available from a number of vendors who vary widely in terms of the breadth of their offerings and their level of experience in providing MCLE courses. Some distribute content from other CLE providers, while others have added Internet-based content delivery technologies to their traditional CLE offerings.

West LegalEdcenter

West LegalEdcenter provides high-quality CLE courses from distinguished CLE providers, as well as national, state, and local bar associations. It offers live Webcasts of traditional CLE seminars and archived Webcast and audio seminars for on-demand viewing. CLE program materials are printable and downloadable in Adobe Acrobat portable document format (PDF).

Breadth

Attorneys need an array of course offerings that allow them to select the topics of relevance and interest to their particular practice.

West LegalEdcenter offers the largest online library of accredited MCLE programs, providing materials from a broad range of national, state, county, and city bar associations and CLE providers. West Group has partnered with several of the best and largest national CLE providers, including

- Practising Law Institute (PLI)
- American Law Institute-American Bar Association Committee on Continuing Professional Education (ALI-ABA)
- Association of Trial Lawyers of America (ATLA)
- American Bankruptcy Institute (ABI)
- National Bar Association (NBA)
- National Practice Institute
- The Rutter Group
- LawyersTV
- American Lawyer Media (ALM)
- Glasser LegalWorks
- Plus dozens of state and local bar associations

This wide range of CLE providers enables West LegalEdcenter to ensure the largest library of CLE programming, covering the widest range of topical and jurisdictional subjects, from leading authorities at the local, state, and national level. Additionally, Webcast panel discussions help West LegalEdcenter participants distill the meaning of legal issues by presenting varying opinions on current topics.

Such breadth of offerings can help lawyers and firms stay abreast of the latest developments in their practice areas, particularly in fast-growing and fast-changing areas such as cyberlaw and intellectual property.

Quality

Citations within supporting program materials on West LegalEdcenter are linked to related documents on Westlaw, and verified for currentness and linked to related points of law by the KeyCite citation checking service. This feature enables CLE materials to be used for in-depth study by connecting legal analysis to related up-to-date documents on this premier online research service.

Hyperlinks to related program materials are available on the Web page while the video content is streaming. Participants can pause the program and view the linked materials at their convenience.

Tracking

West LegalEdcenter gives attorneys and firms the ability to track MCLE credits online. If an attorney chooses to use this system, all courses viewed online at West LegalEdcenter are automatically logged into the personal MCLE credit tracking form. Attorneys can also add attendance information from traditional, in-person MCLE courses, creating one form for tracking all of their MCLE activity. Information on MCLE state requirements is included on the site, as well as affidavit forms for submitting proof of compliance to the state MCLE licensing authorities.

Program Guides, Notification, Updates

To make it easier to find CLE programs that are relevant to their practices, participants are kept up-to-date on the latest West LegalEdcenter offerings in their practice areas or jurisdictions. Program guides listing available course offerings and schedules of live Webcasts are available online. E-mail newsletters and alerts notify attorneys about new providers, content offerings, CLE topics, and features.

Conclusion

Whether to enhance legal research capabilities and keep knowledge and practice skills current or to fulfill state requirements, online CLE offers a broad range of new options for attorneys. Online CLE provides numerous advantages in cost, flexibility, effectiveness, and reduced travel.

Online CLE may represent a revolution in the management and dissemination of lawyer-created knowledge. The marriage of the tacit knowledge (thought processes, experience, and advice) of legal professionals and the static knowledge (the body of primary and analytical information) within West Group's immense legal research library, as well as the ability to navigate seamlessly between these information resources, provides legal professionals with a research and knowledge-enhancing experience that greatly exceeds the depth, reach, and efficiency of traditional CLE participation.