The Technology Behind Distance Learning – Questions You Should Ask

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Karen Lee joined the Oregon State Bar CLE Seminars Department in 2001 as a program attorney and has been the director since 2003. Prior to becoming a CLE professional, Karen was a tax and transactional attorney and practiced in Oregon and Texas. A member of ACLEA since 2001, Karen has been involved in a variety of ACLEA activities. She has facilitated discussions for the state and provincial bar SIG, the programming SIG, and Boot Camp. Her presentations at ACLEA meetings have ranged from customer service to using mobile event apps. Karen currently serves on the Executive Committee as ACLEA's Secretary. An avid traveler who believes that meeting people from different backgrounds and cultures is the best educational experience, she is always on the lookout for unique CLE opportunities and locations.
The conversations about distance learning in CLE have been increasing. The extent that distance
learning is part of a CLE provider’s offerings is dependent upon many factors, foremost being a
jurisdiction’s CLE/CPD rules. Other elements of the providing distance learning include a provider’s
technological, financial, and human resources, as well as a CLE speaker’s interest and ability to
participate in CLE programs that are conducive to distance learning.

The following is a discussion between two CLE providers who have incorporated distance
learning via webcasting into their organizations’ CLE curriculum. Peter Berge is the Web Education
Director for Minnesota CLE and is responsible for developing webcast programming. Minnesota is a
mandatory bar, with approximately 20,000 active members. It has a three-year reporting period, and all
45 credits can be obtained through webcasting so long as the webcast is live or has a live moderator.
Minnesota began webcasting in 2006.

Karen Lee is the CLE Seminars Director for the Oregon State Bar. Oregon is also a mandatory
state, with approximately 15,000 members. Like Minnesota, its reporting period is three years long,
although all 45 credits can be obtained through both synchronous and asynchronous distance learning.
Oregon began webcasting its live seminars in 2008, although it has offered its members distance
learning through audio products since 1974 (video products were added in 1985).

1. To studio or not to studio?

PETER:

I am a big proponent of studios. Shooting live programs and streaming them is not bad, it is just
not capturing the potential of the medium. And that is the point, the medium is different. Television
may have similarities to the stage, but they are different mediums. If early TV execs had simply said,
“Well, this is a lot like Broadway plays, let’s just set a camera up on a tripod in the back of a theater and
broadcast it,” television would not have gone far.

That said, a studio is not an insignificant investment. Modern technology and the ability to
distribute over the Internet has dramatically decreased the cost to a point where even smaller
organizations can see the sort of ROI that justifies the expense.

Though not the Rolls Royce of studios, Minnesota CLE’s studio is, admittedly, a Cadillac level
operation. We have a dedicated studio space, with a three camera shoot, modern fluorescent studio
lighting, chroma-key capability, and a MediaSite streaming platform. This is the basic setup of the
Minnesota CLE studio:
Here is what the studio looks like from the control booth:

It is a three camera shoot with two cameras on tripods and one attached to the wall almost directly behind where this photo was taken. We typically have presenters sit in the comfy chairs and have a discussion. This makes presentation much easier for the presenters and provides the audience with a familiar talk show type of a format. The door to the studio is a double door and has saved us a number of times from having uninvited visitors walk in during a webcast.

Here is the control booth with our AV tech, Justin Rooney at the helm:
One AV tech runs the webcasting equipment. The tech controls the cameras remotely, uses the switcher to choose and transition between camera shots. The video and audio is captured and turned into a streamable format (we use Smooth Streaming) by the encoder. Our encoder is a MediaSite station from Sonic Foundry. Most presenters use a PowerPoint presentation which they control in the studio. The VGA feed from the laptop is captured and indexed to the audio and video by the MediaSite player so that it is in sync with the presentation. The viewers see a screen like this:

1 [http://www.sonicfoundry.com/mediasite](http://www.sonicfoundry.com/mediasite)
As I mentioned, however, this was a considerable investment. Seven years ago Minnesota CLE invested over $600,000 to build out and equip the studio. That investment has, however, paid off. Our customers like and appreciate the webcasts and we have turned a profit on our webcasting operations.

KAREN:

Currently, Oregon does not have a dedicated studio. When we webcast, we shoot live from the meeting room. We video record almost all of our seminars, so the webcast computer has a feed to the video camera. The webcast viewers see what the meeting room audience sees, albeit a couple minutes after the fact. The effect is to basically bring the seminar to the webcast viewer. This is a very different feel from a scripted, structured studio shoot. Webcasting live means less control over the environment, speakers, and audience. That can sometimes translate into a less than optimal experience for the webcast viewer, especially if the presenter makes last minute changes to PowerPoint slides or adds visual aids that have weak presentation qualities. However, we have not had any significant feedback from webcast viewers to change the format. Many of our members are used to watching DVDs for CLE credit, so a webcast isn’t that much different than watching a DVD on the computer, except that it’s live and they can ask the presenter questions via email.

2 For a more complete look at the studio and the equipment in it, go to the ACLEA Members Only site and look under the 2012 Denver conference papers for materials for the “Growing Programs in the Distance Learning Greenhouse: How Producing Distance Learning CLE Differs from Traditional CLE.” At the time I am writing this, those materials haven’t been posted, otherwise I would provide a direct link.
In July, 2012, we experimented with a series of studio-only webcasts; no live audience. We put together an employment law series and produced six one-hour segments on a particular topic. Our “studio” was simply a meeting room with a podium, head table, and chair for the presenter. The only audience was the camera operator and the webcast technician. I’ve been told that in 2013 we will be able to use a staff-only interior meeting room as a webcast studio and keep some of the equipment in place, rather than setting it up and breaking it down each time (our meeting rooms are multi-purpose and used by a variety of bar and non-bar groups). We’re looking forward to doing more studio shoots. They are very economical to produce, and as long as the presenter is prepared to speak for the camera and not a live audience, it works really well.

The smallest studio I have yet to see belongs to the Oklahoma Bar. The enterprising CLE director at the time converted a janitor’s closet into a studio. There was just enough room for one speaker and the technician to operate the camera and webcast computer. If the technician needed to get the speaker’s attention, all he had to do was reach across the table! But the layout worked and fulfilled the basic requirements for a webcast studio.

2. How do your CLE/CPD rules affect what you can do with distance learning?

PETER:

If you are providing programming in a mandatory CLE jurisdiction, your rules shape your distance learning initiatives. At the most basic level, mandatory rules were generally written with a traditional classroom model in mind. Indeed, most of the rules were written at a time when there was little, if any, distance learning as we now know. Credits are generally counted by the number hours the lawyer attends the program. This puts an immediate limitation of distance learning. Since distance learning is ideally suited to being asynchronous, self-paced, and assessed through demonstration, measuring learning by hours in a seat is antiquated. The result is that much of what is done in CLE is the repackaging of traditional in-class CLE to be distributed online via webcasts as that is the easiest to accredit (and perhaps also the easiest to get our own heads around).

Even within the in-class model, local CLE accreditation rules affect what is a can be done with programming. In some jurisdictions, like Minnesota, rules requiring interactivity prevent viewing archived CLE for credit. Thus the thrust of webcasting is for live, interactive webcasts. In other jurisdictions, some limited portion of a lawyer’s credit requirement can be taken through archived programming as self-study. In still other jurisdictions, like Virginia and Texas, a lawyer can take most, if not all, of her credits through archived programming. The investment one is going to make in recording archived programming will vary with the local rules.

Non-mandatory jurisdictions have a freer hand to experiment with new distance learning techniques. Thus, some of the most creative and forward thinking uses of distance learning have come out of those non-mandatory jurisdictions. For example, Alberta had a major revision of their civil
practice rules. LESA created an asynchronous, e-learning module that took practitioners through the changes step by step at the learner’s own pace.\(^3\) Since it is self-paced and doesn’t require a butt in a seat, it is un-accreditable in most mandatory jurisdictions. Yet it is a demonstration of how a learning module can create a learning environment that works at whatever pace the learner needs, whenever the learner needs it, and where learning can actually be demonstrated. I would argue that is a better and richer learning environment than a traditional lecture, yet is it not seen to be worthy of accreditation.

**KAREN:**

Many jurisdictions have had some form of distance learning throughout the years: video replays, and self-study through video and audio products. Today’s distance learning format continue that tradition with MP3 downloads and streaming audio and video, and video replays that utilize DVDs instead of VHS tapes. Oregon recognizes all these traditional distance learning formats, and our MCLE rules are broadly stated to encompass the format changes that occur as technology develops. However, those formats are just different delivery methods for what is basically a lecture-style teaching method. Programs that don’t fit that mode are not eligible for credit in Oregon, even though a teaching method not based on a live presentation may result in better comprehension and retention rates.

Distance learning is an accepted component of secondary, higher, and post-graduate education. Sooner or later mandatory jurisdiction rules will need to reflect the growing influence of technology and distance learning on CLE. As lawyers become more mobile in their practices with smart technology and cloud computing, jurisdictions will need to recognize that distance learning is an effective educational format for CLE. As Peter pointed out, the irony is that the elements that make distance learning effective for adult learners (asynchronous, self-paced, and assessment through demonstration) are not always encouraged by current CLE/CPD rules.

**3. How do you build interactivity into distance learning?**

**PETER:**

The untapped potential of distance learning is interactivity you can build into it. There is a bit of irony here. We typically think of distance learning as the inferior step-child to classroom learning. Indeed, in the days of correspondence courses on matchbook covers it probably was. But we live in a different era now: the information era. With the multimedia communications technology available to us now and the world-wide distribution available over the Internet, we can create a learning environment that includes branching multi-leveled instruction, self-paced learning modules, multi-layered source materials, reference materials, access to expert commentary, demonstration of

\(^3\) If you are interested in seeing the e-learning module, contact Dawn Orfner or Jennifer Flynn at LESA. They can likely set up access for you.
proficiency. Instead of being a passive listener, the student is an active participant in their education. When you compare that to a traditional classroom headed by a lecturing professor, the classroom looks pretty dull, dry, and barren – if not downright archaic.

Few of us are tapping into that potential at any great depth. In part that is a function of the constraints of mandatory CLE rules, as noted above. Part of it is that this is new and uncharted territory. Part of that is likely lack of knowledge and expertise to create that rich learning environment. Part of it is likely that we are all pressed for time and the day-to-day demands of operating our organizations, many of them smaller organizations without grand resources. Perhaps, this is a challenge to both learn and to experiment.

At the outer edge of interactivity is the Massively Open Online Course.\(^4\) The basic theory behind a MOOC is that in an information age driven by the Internet, all the information, the most recent information is available online. The MOOC collects that information on a particular topic and makes it available to a student in a non-linear fashion from multiple online sources. Perhaps the best way to understand a MOOC is to see it. By double clicking on the following graphic a PowerPoint will open giving a visual overview of how MOOCs are developed and work:

![Diagram of MOOC](http://en.wikipedia.org/wiki/Massive_open_online_course)

The MOOC allows a level of interactivity that blurs the lines of distinction between teacher and student. Indeed, it is likely a student wishing to learn about a topic who starts gathering the disparate sources so that they can be accessed and that is in turn augmented by those who follow. If there is no better way to learn than to teach, the MOOC makes the most of that old adage.

**KAREN:**

My observation has been that lawyers greet “interactive CLE” with a variety of responses. Even though interactivity can increase a learner’s retention rate, getting buy-in from both accrediting bodies and lawyers who are used to a more passive learning format will be the challenge. While I’ve seen an

\(^4\) [http://en.wikipedia.org/wiki/Massive_open_online_course](http://en.wikipedia.org/wiki/Massive_open_online_course)
increase of interactivity in presentations to live audiences (use of audience responders, small group problem solving exercises, book club discussions, and quiz and game show formats), that interactivity doesn’t automatically transfer to creating interactivity for distance learning.

Until the MCLE/CPD rules suggest (or require) interactivity for distance learning, traditional lecture style presentations will continue to be the format of choice for a number of CLE providers and for a variety of reasons. Resources are an integral part of the interactivity equation. Compared to developing interactive curriculum, it’s relatively low-cost to webcast a seminar that has already been planned as a live event. Developing a curriculum that emphasizes interactivity requires more planning and participation from CLE staff and the presenters. Since many CLE providers rely upon volunteer speakers (bar members, law school faculty, law firm members, etc.) it may feel awkward asking volunteers to put additional effort into their presentations so that interactivity can be incorporated. On the other hand, if distance learning is to be the primary format (i.e., more than webcasting an existing live seminar) and the resources (staff, time, budget) are available, a CLE provider can work with its volunteers to develop interactive distance learning. Building interactivity into CLE doesn’t have to be wholesale or on a grand scale. Start with a smaller program or one that has faculty members who are open to distance learning interactivity. Small steps can lead to big results.

4. How does the presenter’s preparation differ from an in-class program?

PETER:

The answer to this is going to depend on the situation. Webcasting a traditional in-class program will be different from webcasting from a studio.

Instructors in traditional classroom settings that are webcasted focus on and teach to the in-class students. This is not only understandable, it is almost unavoidable. It is also the chief disadvantage of webcasting traditional in-class programs. Indeed, it is the prime reason that distance learning is often considered an inferior alternative to traditional in-class teaching. The webcast audience tends to have a fly-on-the-wall experience. They are “there,” but they are the unacknowledged, unknown visitor. Psychically, this gives the webcast audience member the role of viewer – a detached role that is counterproductive to the engagement and interaction that we know makes for a robust learning environment, particularly for adult learners.

Within the context of CLE, this is a difficult training issue. Ideally, the instructors should be required to come in for orientation and training so they are not only aware, but equipped to take on the dual role of teaching to both the in-class and online audiences. For the most part, this is hardly practical. Most of our instructors are volunteers who are not professional teachers, even though many are talented teachers. Few of our instructors have the time to do additional training. Then there is the question of what do we teach them? The in-class environment was simply not designed with webcasting in mind. At best, we are likely only reminding them that there is an online audience and
they should periodically acknowledge them. A more likely strategy for success is to consider ways to structure the in-class program to improve the connection with the online audience. Some ideas are:

- Have a script for the instructor that has them acknowledge and thank the online audience for participating at the start.
- Cue the instructor to acknowledge the online audience during the program.
- Use ARS that incorporates both the in-class and online audiences (Turning Technologies has a web-based ARS system that works well for this).
- Strongly encourage the online audience to send in questions.

**KAREN:**

I don’t think our presenters prepare any differently than if the seminar is not being webcast. We inform them in their confirmation materials that the seminar will be webcast, but their main focus is giving a presentation to a live audience. For most, the webcast audience is simply another dimension, and one they can’t see.

Our speakers are prepped right before their presentations. Beside reviewing time cards, order of presentation, etc., they are reminded about the webcast audience and told that any questions from the webcast audience will be emailed to our webcast coordinator, who will raise her hand to let the speaker know there is a question. If time is available for questions we ask the speaker to call on the coordinator just like a live audience member. The speakers are also informed that there is a transmission delay between the meeting room and the webcast viewer, so a question could be about a topic that was covered a couple minutes ago and they may have to do a quick recap to align the webcast question with what they are currently discussing.

Some of our speakers are getting better about acknowledging the webcast audience, but we still have a long way to go before there is a feeling that the live audience and the webcast audience are one. Since we webcast live seminars (compared to Peter’s studio setting) we may never reach that point, due to the “fourth wall” (created by the camera lens and computer/mobile device monitors) that separates webcast viewers from the live audience.

5. **What are the basic resources you need to webcast?**

**PETER:**

The answer to this question really depends upon your goal in webcasting. If your goal is to just get up webcasting somehow, some way, your resources are going to be pretty basic and you can do it in conjunction with webcasting platform provider like InReach or Copper. Indeed, they provide the
equipment you need to stream and record your programs. Karen has provided more information about how things work with third-party providers.

If your goal is to manage your own system, you will need to think about how you provide the entire viewer experience.

- *How will the viewer find and purchase the program?* You will need to build an ecommerce structure if you don’t already have one. If you already have a good ecommerce system in place with your website, the question is integrating the webcast offerings into that system. In Minnesota’s case, we simply created a new product line for Webcasts accessed by a tab on our homepage and sold in the same way as we sell live seminars or publications – through our ecommerce shopping cart system on the website.

- *How will you capture and distribute the webcast?* You will need basic equipment – video cameras, lights, microphones, an encoder, internet access, a server for starters. This is actually easier than it sounds since there are off-the-shelf systems like Mediasite and the Accordent/Polycom Capture Station that capture, encode, and present the webcasts in a professional looking fashion. In Minnesota, we recently switched to Mediasite and now use their servers to distribute the webcasts. This is what our webcasts look like with the Mediasite system:
• Do you want to just capture existing programs or create webcast specific content? If the later, you need to consider the expense of creating a studio space. This may or may not involve the expense of additional space. A number of organizations have repurposed existing space for a webcasting studio. The advantage of building a dedicated studio is that you have much more freedom to create high quality webcast specific content rather than just shooting over the heads of the crowd.

• More information on equipment and expenses: As I am writing these materials, the materials from my presentation at the Denver ACLEA have not yet been posted on the ACLEA website. They should be posted in the near future, however. Check the ACLEA website for the Growing Programs in the Distance Learning Greenhouse: How Producing Distance Learning CLE Differs from Traditional CLE by Nate Trelease and Peter Berge. In those materials I provided an extensive breakdown of the equipment and costs for building the Minnesota CLE Webcast Studio. One caveat here – you can build an excellent studio for much less money than the full studio we built. In that regard, you might want to talk to Mindy Thomas Fulks from Tennessee Bar CLE who built a fabulous studio on a pretty tight budget.

KAREN:

Our webcast provider is InReach, so we use the broadcasting software they provide and its e-commerce platform. The actual webcasting equipment isn’t complicated. We have a dedicated laptop with special software on it for the broadcasting. A cable connects the webcast computer to a video camera. We have another generic laptop to receive questions from the webcast audience. If the presenter doesn’t have the email laptop accessible to them in order to read the email questions aloud to the audience, it’s helpful to have a microphone for whoever will be receiving the webcast email and reading the questions to the speaker and live audience.
When we experimented with studio webcasts, we used a portable back drop to provide a better background on the wall than the pale, yellowish color of the meeting room. We also had a teleprompter (which was purchased used from a local television studio that was cleaning out its closets). The presenter’s PowerPoint slides were connected to the teleprompter and the speaker could advance the slides with a wireless mouse. This kept the speaker’s eyes focused towards the camera instead of off to the side, where a laptop traditionally would be placed.

We utilize our existing marketing resources to advertise webcasts and other distance learning options. InReach provides the e-commerce platform, so the webcast, streaming video and audio, and MP3 links on our CLE webpage and in all our announcements will take the customer to the InReach site. The InReach site mimics the look the Oregon site with our logo and layout. Only by looking at the URL would someone notice that they are not on the OSB site.

6. How does distance learning fit into the budget?

PETER:

Now this is the $64,000 question – though it’s closer to the truth to say it is the $640,000 question if you are going to build a full-fledged studio. It is not just the initial fixed costs. It is also ongoing costs for rent, electricity, hosting, internet access, software upgrades, technical support and probably the most expensive part – salaries for those whose responsibility it will be to plan, program and produce the webcasts.

As with any question, budget is going to be a question not only of expenses but of projected revenue – in other words: ROI – Return on Investment. That is the basic question of having a plan for how webcasting will be a profitable part of the business. In short, it calls for a business plan. How to write a business plan is beyond the scope of this program, but there are some excellent materials on the subject in the ACLEA document library by James Thaler, Jr. of the Stetson University School of Business.

Although we invested a lot of money into our webcast studio, we also saw the potential for great return. That potential has borne out. We have been doing webcasts for six years now. We recouped our investment and have been profitable for the last several years. We have been grossing over $600,000 on the webcasts.

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5 As I mentioned earlier, I provided an extensive breakdown of the equipment and costs for the Minnesota CLE Webcast Studio as part of the materials for the Growing Programs in the Distance Learning Greenhouse: How Producing Distance Learning CLE Differs from Traditional CLE. Those materials should be posted on the ACLEA member’s only website in the very near future, if they have not already been posted.

KAREN:

Assuming that your jurisdiction’s rules don’t preclude distance learning formats, distance learning should be an integral part of a CLE provider’s budget. Lawyers will want the formats for a variety of reasons, ranging from inability to attend a live seminar to preference for a particular distance learning format.

The biggest department budget item was purchasing the webcast computer from our third party provider. Since almost all of our live seminars are video recorded by a third-party vendor who produces the DVDs and CDs that we sell, there wasn’t an extra cost for a camera because the cost of video recording was already included in each seminar’s budget. When we did our one-hour studio shoots, we were fortunate that the bar already had a basic camera to use as a video feed, microphones, backdrop, and teleprompter (all part of the A/V equipment for our conference center). If a CLE provider doesn’t have any of this equipment, then offering distance learning will be a challenge.

Like building interactivity into distance learning, the effort doesn’t have to be on grand scale. Once the investment in the equipment is made, start with a smaller program, maybe a half-day seminar, or select one seminar a month that will have a distance learning format. Staff resources may also dictate how often distance learning can be offered.

From a revenue standpoint, I would caution about offering distance learning at a steeply discounted rate, even for an introductory period, for several reasons. First, there is the perception that distance learning should be less expensive than a live seminar because it doesn’t involve the traditional costs of room rental, catering, printed materials, etc. As Minnesota CLE’s studio demonstrates, there is a significant investment in distance learning infrastructure and staff resources that needs to be recovered through registration fees. Second, more lawyers, especially the newer ones without jobs, are price conscious. Once they become used to a low-cost CLE format, it is very difficult to move the price point upwards in an effort to meet revenue goals. Unless you’re the only game in town, a price increase could result in a loss of business.

7. In-house or use a third-party vendor?

PETER:

In Minnesota, we have built our webcasting platform in-house. We have our studio, our own cameras, microphones, encoders and other capture devices. Customers purchase and view the programs through our website. The only part of the process where we use a vendor is MediaSite’s server hosting capabilities. That advantage to this situation is control. From beginning to end, we control the process and do not have to share any of the revenue. The downside is the cost. There are significant up-front costs. It is a significant down-stroke to build the webcasting system and integrate it into existing systems. There are significant ongoing expenses for rent, software licensing, upgrading
hardware, bandwidth, and personnel. Again, it gets back to the idea of ROI and business plan as discussed above. It is not going to be in everyone’s budget to build and manage a studio and your potential viewership may not support such expenses. The third-party vendor option is a way to make costs more predictable and vastly streamline startup. The disadvantage is that it limits income potential. Karen has been successfully using a third-party vendor and will share her experiences below.

**KAREN:**

As I mentioned before, because our bar association did not have the resources to invest in a distance learning platform, we opted to use a third-party provider, InReach. Oregon provides the content and InReach handles the technology delivery and e-commerce. We set the registration rate and split that with InReach. There is a deduction from our share for the credit card merchant fees, while InReach’s share covers the technology cost and providing customer support. It’s worked out really well for us because our organization simply doesn’t have the resources for originating a distance learning system. There are a number of companies that will host a CLE provider’s content. I probably several solicitation calls a year. Selecting a third-party provider is a matter of comparing the services and costs to your goals and mission for distance learning and finances.

Another third-party format for distance learning that we offer our members are programs that are created and hosted by other CLE providers and offered as a webcast, webcast replay, webinar, or audio seminar. We simply accredit the content for Oregon credit and promote the program to our membership. In return, we receive a share of the registration fee. In some instances we set the registration fee based upon our costs and revenue goals; other times the registration is set by the content provider. The content provider supplies the e-commerce and technology platforms, and any necessary customer service for attendees. The benefit of using a content third-party provider is that you can increase the curriculum offered to your audience without committing significant resources to developing and producing the programs.

8. **How does distance learning fit with traditional courses (and publications)?**

**PETER:**

At ACLEAs past I used to get asked all the time, “Aren’t you just cannibalizing your live courses?” That question used to just drive me crazy. I had to take a deep breath and calm myself so I didn’t say, “You idiot, if someone is going to cannibalize your live courses, don’t you think it should be you?” Instead, I would calmly explain that, “No, we hadn’t really seen a detrimental impact on live courses but rather it seemed to be opening up new markets for us.” That has in fact been the case, though I strongly suspect that the picture is actually quite a bit more complex than that.

I strongly suspect that webcasting, and particularly archived webcasting, is in fact a disruptive technology. Disruptive, that is, of traditional ways of providing education. Because of CLE accreditation
rules, we haven’t seen the full impact of its disruptiveness in most jurisdictions. However, if you look at jurisdictions where there is a more wide open acceptance of archived webcast CLE, like Virginia, Colorado and Texas, there has definitely been a movement away from live to archived programming. Indeed, the movement was so pronounced in Virginia that their CLE rules where changed recently to cut back on the number of hours that could be taken through archived programming in order to encourage the production of more live programming.

One area where we have actually seen some disruption (and are not entirely unhappy about it), is in our video replay network. For a number of years we have provided video replays of programs at various locations around the state. This is not particularly profitable, but has been a needed service to our attorneys. We have seen declines in demand for the video replays around the state and suspect that it is because we are now providing over 200 hours of quality programming over the Internet to rural Minnesota.

We have also found ways to make programs that were not terribly successful as live programs into successful webcast programs. For example, we have a popular publication series called Documents Made Easy. They are forms which are provided with extensive annotations by the authors. We would do small one to two hour seminars for the programs as a service to the authors so that they would be able to get CLE credits for their hard work creating the annotated document. They were not well attended. When we took the DME programs to webcasts, we got twice and even three times the attendance we had for the in-class programs. The webcast was actually a better way to present the program for attorneys because they did not have to lose a whole morning or afternoon for short CLE and they could download the documents directly to their computers.

The area of publications is perhaps the most interesting area to look at. We have long had a great divide between publications and programming. Webcasting, indeed a host of new online learning modes, have the potential, and I believe will, blur the lines between publications and programming. When you start thinking of publications not as printed material, but electronic multi-media and when you start moving programs from live-in-class to online multi-media, it starts become hard to tell the two apart. The publication can now have far more than text and pictures. It can include imbedded video, interactive e-learning modules, links to reference material, branched learning paths. On the other hand, a series of programs on a topic can now be archived and made available on-demand so they become more than a classroom experience, they become a reference work. This is going to be exciting to watch (and participate in).

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7 In Minnesota, CLE credit is not allowed for authoring publications but is for preparation for a CLE presentation.

8 If you want to see an excellent example of this, visit www.lynda.com. Lynda.com is a learning site, largely for tech areas. A course, say WordPress 101, will consist of 5 – 7 minute videos that are arranged into topic areas. Each one teaches a single or several small points. They can be viewed straight through which typically amounts to 1 to 4 hours of information or they can be viewed individually. So if one has a specific question about something, say how to attach a photo to a WordPress blog post, you can go directly to that five minute video. So it can be used either as a comprehensive course or as a reference.
KAREN:

In Oregon, distance learning is an extension of the live seminar. Oregon is very liberal about how its lawyers can fulfill their MCLE requirements; all 45 credits (we have a three-year reporting period) can be obtained through distance learning or self study of a previously recorded seminar. While some of our seminars have seen a noticeable decrease in live attendance, others have the same number of attendees overall as previous years – it’s just split between the live seminar and the live webcast attendance. Because Oregon allows credit through archived seminars, we use live seminar announcements to promote the ability to access an archived seminar by signing up for the webcast. (Webcast registrants have a six-week window to watch the archive if they missed the live webcast or couldn’t stay online the entire time.)

By offering a seminar that’s either a convenient location and/or time (via the archived version) for our members, we don’t consider the webcasting to be cannibalizing from the live program. If anything, the growing number of CLE providers in our state, the weak economy, and a lack of time to attend seminars in person have had a greater effect on our live seminar attendance.

As Peter mentioned earlier, one area that has had a significant decrease in attendance is the video replay program. Like Minnesota, the replay sites were a member service, and never consistently viable as a revenue stream. As Internet connectivity around the state became more reliable the shift from the traditional replay sites to online distance learning has increased. In 2013, we are shuttering more than half of the current replay sites. I predict that within five years almost all of our sites will be closed, with only the site at the bar center remaining.

Distance learning doesn’t conflict with our legal publications, all of which are available online, for free, to Oregon bar members.

9. How do you handle customer service & technical support for distance learning?

PETER:

One of the disadvantages to managing your webcasts from top to bottom is that you bear the full responsibility for customer service and technical support. Good customer service and technical support is a vital portion of the process. Unhappy viewers stop being customers. On the other hand, if you can help a viewer get up and running, you may well have a customer for life.

We already had a customer service staff. At first with new viewers, there were far more problems and it taxed our customer support personnel. When we started webcasting, we were getting customer service/technical support calls from about 10% of our viewers. That is now down to the neighborhood of 3%.
It is hard to anticipate the problems that users will have and it can vary between webcasting systems. There are, however, patterns that develop. Finding those patterns will greatly speed providing customer and technical support. From the beginning, we have tried to log the complaints as they came in. Looking back at those logs, patterns did become evident. For some of the more consistent problems we have created information sheets that can be quickly emailed to a customer to get them up and running.

It is important to watch and anticipate attendance. Even if only 3% of viewers are having problems, that can amount to a significant number of calls in a larger webcast. We have trained a number of people in the organization on the basic webcasting issues. When we have a larger webcast, we can bring in a number of people temporarily to answer questions for viewers.

KAREN:

Our third-party providers handle most of the customer service for and technical support for our distance learning programs. We have administrative access for InReach programs, which is the majority of our distance learning. Through the administrative site we can help members find their user name and password, tell them whether they registered for a webcast, or assist with getting their certificates of completion if the certificates don’t automatically print once they’ve finished watching a webcast.

Our ability to assist with technical questions is more limited. A lot of calls we get are from people who don’t see the toll-free help desk number or instant chat for InReach customer support. We give them the number to call or point them in the right direction. In some instances the customer is not satisfied with the response received from the InReach support staff, and on occasion I have facilitated a conference call with the customer and tech support to troubleshoot the problem right away. That usually resolves the issue pretty quickly.

Since the technology and e-commerce platforms belong to the third-party provider, we rely upon them to provide the necessary support for our members. Our bar association’s IT staff is committed primarily to maintaining the bar’s computers and software. CLE is only part of the bar’s membership mission. Our department must rely upon other service providers to help our members satisfy their MCLE requirements. In Peter’s shop, the focus is providing CLE to Minnesota bar, so consequently the organization has invested in the infrastructure and technology needed to provide and support its distance learning platforms.

10. What does the future hold?

PETER:

Don’t we wish we could foretell the future! Here are some guesses on my part:

- Distance learning will continue to grow.
• Webcasting will be part of that growth in distance learning, but other forms of distance learning like e-learning modules, MOOCs (Massive Open Online Courses http://www.youtube.com/watch?v=eW3gMGqcZQc), self-directed study.

• The distinction between programming and publications will become less clear. Publications will become more multimedia adding things like videos, Wikis, interactivity. Programs will become more archived and available and thus will increasingly be useable as reference materials.

• Mobile devices will surpass traditional computers as the primary place to consume distance learning.

• Free offerings will continue to proliferate.

KAREN:

In addition to Peter’s prognostications, I think we could see the following in the future:

• More jurisdictions recognizing distance learning as an acceptable format for CLE. This would be in response to attorney expectations, because future generations of lawyers have distance learning as a regular part of high school, college, and law school curriculum.

• In jurisdictions that allow distance learning for CLE credit, a growth in formats, such as self-study and testing.

• “Flipped” CLE, where attorneys can watch videos on a subject before the live seminar or webcast.

• More distance learning technology providers offering a variety of options to fit the different budgets of bar associations, law schools, law firms, for profit, and entrepreneur CLE speakers.