

Online CPD: Useful tool or false grail?

By Meredith Day.

In an article about Continuing Legal Education (as CPD used to be called) in a 1946 issue of the Harvard Law Review Sidney Post Simpson wrote:

There is no reason why continuing legal education should be dull. But it usually is, and so lawyers do not bother with it.

A little later in the same article

Good lectures are none too plentiful and really interesting lecturers are unusual; the lecturer who "packs them in" more than once in succession is as rare as a popular second lieutenant...

A good demonstration in a "how to do it" subject is better than a good lecture, and much harder to arrange.

To address these problems, and as part of a strategy to engage all post-war American lawyers in CPD, Simpson recommended introducing new media – educational films. As part of his case in support he relied upon the use of film in the education of troops during WWII, citing its success in overcoming difficulties such as distance and lack of suitable instructors. Simpson also identified the main downside – cost of production.

The educational film, which possibly hit its zenith with the management films starring John Cleese, is somewhat passé in the information age. However, Simpson's idea has some commonality with the ICT (information communications technology) solutions now gaining wider acceptance in delivery of CPD. ICT solutions (online learning) also promise to address the need to engage with professionals as adult learners, deliver CPD in remote areas and deliver content covering a large range of topics. These issues are particularly relevant for small jurisdictions. There are also enormous differences between the old educational film and today's online learning. Ease of use, cost, flexibility and interactivity make online learning potentially much more powerful than the educational film both as a delivery mode and in ability to reach a wide target audience.

Looking at some of the current CPD offerings under the heading 'online learning' however it is reasonable to think that little has changed in educational terms since 1946. My least favourite of the so called online learning choices is the "home-videod" streamed (or downloadable) 'talking head'. These are typically recorded sessions taken at a seminar given by a presenter. Even leaving aside the fact that such material is typically very low in produc-



tion values I believe that they are the least useful of all the possible methods of delivering CPD online. This type of offering combines the worst features of both the lecture/seminar (boring person talking at you; passive "me teacher – you student" approach) and the worst of the web (scratchy/jumpy video and sound, totally unengaging small screen experience). There is the added problem that with video data files those without a broadband internet connection will have trouble downloading the file in a reasonable time. Burning the video onto DVD and posting out would help a bit, but not much.

It's not that I think there is no place for such material. At best it gives those who simply cannot attend an opportunity to review a session which is of interest to them. [I once found a really interesting free videoed presentation on the Harvard Law School web site.] It is also useful for CPD organisers to have a visual and audio record of the sessions they produced. And it's cheap. But it's not online learning.

A quick search of the web shows that for around \$100 one can download over the web, and view at one's leisure, a pre-recorded presentation. Maybe I'm too cynical but the main purpose of these websites seems to be that upon payment of the fee the seller sends an email certifying credit for a CPD point. There is of course no check to see that those who purchase actually viewed the material. Nor am I aware of any research as to whether any learning took place as a result. [I'm not sure how one goes about getting a CPD point for viewing a free web presentation, I suspect that it's no different than 'private study' and will not count.]

I have heard that some sessions provided for accountants require completion of a quiz as a form of verification. Not a bad idea on its face, but it begs the question, why not do the same for a live presentation? Who hasn't had the experience of drifting off while someone drones on about their pet topic? Being present in body is no guarantee that learning will take place.

Several cuts above the 'home movie' style is the professionally produced DVD. These are usually

made by universities or large commercial publishers and can be very good. A professionally produced DVD has good production values and can intersperse the 'talking head' with journalistic tricks such as interviews, voice overs or 'live action'. Well planned and produced, these can be engaging, informative and may well provoke further enquiry and therefore learning. This is probably closest to what Mr. Simpson had in mind. The problem remains the same; high quality material is very expensive to produce due to resource requirements. And of course even viewing a good DVD is not really much different to reading an article, for which no CPD point will be available.

Of the several websites I visited looking for online CPD the Law Institute of Victoria seemed to have one of the most developed. As best I could see, without actually enrolling, some of their online learning sites bring together a range of learning possibilities/strategies on one website to which a lawyer has access upon payment of the fee (and presumably also receives the CPD credit). The approach on the LIV site will be familiar to anyone who has been in higher education in the last 5 years, particularly the last 2, or who has completed the ANU GDLP program.

Subject websites provided by universities rely upon course management software. The two largest commercial providers are Blackboard and WebCT (recently merged). There are also freeware versions, the most well-known of which is Moodle. They all do the same job. Basically the software allows easy creation of websites which are subject specific. The sites come pre-loaded with a range of possibilities, or areas, from which the lecturer/presenter can choose. Usually there is an information page where administrative information and a short introduction to the facilitator is given. Other options include the content pages, discussion boards, email (including voice email), audiographic (or video) virtual classrooms and assessment tools (such as quizzes). The content included is limited only by the imagination of the presenter and will usually include text, links to other websites (eg. hot links to cases in text), audio recordings, powerpoint slides, video and graphics of various types.

It is interesting that most universities who have the facilities to include video in their online learning modules are so far choosing not to do so. The reason for this is probably bandwidth at the student's end (won't work properly without broadband) but there is also some evidence that seeing the person actually talking does not add much to the presentation, particularly when other accompanying material such as slides (text and graphics) are properly used. The presentations which are delivered by lecturers in this way are developed with this style of delivery (or mixed mode) in mind and are therefore more likely

to be successful in promoting learning than a video of a presentation prepared only for a live audience.

Perhaps the most exciting development in recent times has been the introduction of tools such as Horizon Wimba's Live Classroom. This plug-in for Blackboard and WebCT allows up to 200 (depending upon license) people to be present in real time in a virtual classroom. Using this tool it is possible to have a 'real' as well as a 'virtual' attendees. There are also interactive possibilities between the real and virtual participants because virtual participants can ask questions either by signalling that they wish to speak or by typing a question in the simultaneous chat section of the screen. And, yes, the sessions can be recorded for later review. CDU has been using another program (VoiceCafe) for virtual real-time tutorials for a few years now and has, in the last 12 months, purchased the Horizon Wimba product for use in undergraduate courses, as have other institutions such as ANU.

The widespread use of online learning in Australian universities is less than a decade old and advances in technology are continually opening new possibilities. There is much current scholarship and research about models of online learning and what should be the 'gold standard' in online delivery. Whether a 'right way' emerges down the track is perhaps doubtful although there are already plenty of published suggestions on more and less effective approaches online. All of this needs to be tempered with the knowledge that at the end of the day learning, whether in universities or as part of a CPD program, is a complex undertaking which is individual specific.

Kolb's learning cycle forms the basis for the theory of reflective practice amongst professionals. The learning cycle is a circle with 4 points which are: concrete experience – observations and reflections – formation of abstract concepts and generalisations – testing implications of concepts in new situations. The learning cycle reminds us that we do not learn in a vacuum but rather from bringing to bear our experiences, both real and virtual, to our experience, forming a new theory, testing the theory and the cycle begins again. Those designing CPD programs should be aware of where each offering might sit in the pantheon of educational choices as related to the learning needs of the target audience.

Online learning offers the opportunity to develop rich learning experiences for CPD. Bound up with this is the wider question of what we define as CPD. Given that all lawyers must continue to learn if they want to be successful why do some jurisdictions allow a CPD point for viewing a (paid for) poor video over the web but not for reading an article? There is no

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Vendor Disclosure discussion paper

Attorney-General and Justice Minister Dr Peter Toyne has released the Vendor Disclosure Legislation Discussion Paper and called for submissions on the issue.

“The government is examining the pros and cons of Vendor Disclosure Legislation which would be basically aimed at improving the efficiency and fairness of the conveyancing system in the NT,” Dr Toyne said.

Among the issues the discussion paper examines are:

- whether vendor disclosure statements should be mandatory and if so, what they should include;
- whether vendor disclosure statements should only apply to residential property sales, or whether they should apply to all property sales;
- whether there should be a mandatory cooling off period for buyers;
- whether a draft contract of sale be available at the time of listing the property for sale;
- whether a prescribed contract of sale should be used in the NT.

“I strongly encourage individuals as well as industry groups and other interested parties to make submissions on the discussion paper,” the Minister said.

The closing date for submissions is 28 April 2006. The discussion paper can be found at www.nt.gov.au/justice or contact the Legal Policy Division of the Department of Justice on 89357665.

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evidence that greater learning will occur by viewing the video. In fact there is some research which suggests that reading the article would be the better choice at least 60 percent of the time (and that's research on 'live' lectures).

Multi-faceted websites and interactive virtual lectures are exciting (and fun) tools which do promise new learning opportunities in CPD for lawyers, including those in small and remote jurisdictions. What online learning is not, however, is a cheap 'cop-out' solution or a 'quick fix' for cash and time poor CPD providers. Using ICT tools to deliver CPD offers many exciting possibilities but it requires more time and probably more money than conventional seminar style delivery. The pay-off is that material once developed is re-useable and quality is likely to be enhanced. Those developing

Putting Legal IT to work cont...

be automated, saving time for both fee earners and support staff. This enables documents to be produced significantly more quickly and cheaply.

Minter Ellison SA/NT's experience with its CMS also suggests that when attempting to win new work, it can make a big difference to already have process management system records for that type of work which can be analysed. This provides a better guide of what handling the work involves, where the assessed client 'value' can be enhanced or improved, how operational efficiencies can be obtained, etc. So it provides a useful management tool.

Does it work? Within the last year, a major corporate client's legal costs have very substantially reduced, average timescales for dispute resolution are significantly down, and early indicators are that results obtained compare favourably with those expected. The average costs per file are also in line with those predicted from existing CMS records - a satisfying result.

Minter Ellison SA/NT is at the forefront of Case, Practice, and Document management systems. Its local centre of excellence in these areas, combined with its national standards, enable it to deliver systems which provide significant benefits for both the firm and its client. Minter Ellison SA/NT looks forward to its integrated systems extending the range of types of work where such 'value focused' service delivery models are appropriate.

CPD need to give serious consideration to proper use of online options as one method of collecting those soon to be important points. More important however is serious consideration to what we do and do not define as CPD.

LINKS:

Law Institute Victoria: <http://www.liv.asn.au/>
Jurist: "Teaching with the Web": <http://jurist.law.pitt.edu/lessons/lesjul98.htm>

Lander: "Online Learning": <http://ultibase.rmit.edu.au/Articles/may99/lander2.htm>

Australasian Society for Computers in Learning in Tertiary Education: <http://www.ascilite.org.au>

WebCT: <http://www.webct.com/>

Blackboard: <http://www.blackboard.com/us/index.aspx>

Moodle: <http://moodle.org/>