

A CLOSER LOOK AT DISTANCE LEARNING: THE LAW AND THE  
ENTREPRENEUR MOOC

by  
*Esther Barron*\* & *Stephen F. Reed*\*\*

INTRODUCTION .....	395
I. THE LAW AND THE ENTREPRENEUR MOOC .....	397
II. COURSE DESIGN .....	398
A. <i>Challenges with Assigned Reading</i> .....	399
B. <i>Challenges in Lecturing</i> .....	400
C. <i>Challenges with the Case Study</i> .....	401
D. <i>Challenges in Class Participation</i> .....	403
E. <i>Challenges with Assessments</i> .....	403
III. RUNNING THE COURSE.....	404
IV. LESSONS LEARNED AND BENEFITS REALIZED.....	407
V. THE ROAD FORWARD .....	410

INTRODUCTION

For decades, universities have experimented with offering courses to students who are not on campus. Whether offered through correspondence courses, on the radio, or electronically in the early days of the internet, distance learning has been embraced by schools seeking to broaden their reach and accommodate students who are not on campus.<sup>1</sup> One of the newest innovations in this regard, about which much has already been written,<sup>2</sup> is the Massive Open Online Course, or “MOOC.” MOOCs are considered “Massive” because they enroll very large numbers of students—43,000 students on average,<sup>3</sup> and as many as 100,000 stu-

---

\* Harry B. Reese Teaching Professor of Law, Clinical Professor of Law, and Director of the Entrepreneurship Law Center at Northwestern University School of Law.

\*\* Clinical Professor of Law, Co-Director of the JD-MBA Program, and Assistant Director of Entrepreneurship Law Center at Northwestern University School of Law.

<sup>1</sup> Correspondence courses developed in the 19th century, beginning with religious courses and branching out to vocational and other kinds of courses. Gary A. Berg & Michael Simonson, *Distance Learning*, BRITANNICA ACADEMIC, <http://academic.eb.com/EBchecked/topic/1482174/distance-learning>.

<sup>2</sup> See *infra* notes 6–8, 11–12, 26.

<sup>3</sup> Gregory Ferenstein, *Study: Massive Online Courses Enroll an Average of 43,000 Students, 10% Completion*, TECHCRUNCH (Mar. 3, 2014), <http://techcrunch.com/>

dents in some cases.<sup>4</sup> MOOCs are “Open” in that they are open to anyone in the world to register, usually for free.<sup>5</sup> They are “Online” because they are offered through the internet. They are “Courses” like one might take in school—they typically have syllabi, assigned readings, lectures, and tests or other assessments to evaluate student performance.

Although the term MOOC was coined in 2008,<sup>6</sup> MOOCs hit their stride and began to receive significant media attention in 2012 when three major MOOC providers—the nonprofit edX, and two for-profit competitors, Udacity and Coursera—were founded and began offering courses.<sup>7</sup> The subject matter covered by MOOCs can run the gamut, from music appreciation to complex math, from first-year MBA core classes to videogame programming.

Notwithstanding some skepticism about MOOCs and the place they will have in higher education,<sup>8</sup> many major research universities are exploring this area and are launching MOOCs. Coursera alone has more than 100 university partners offering courses, including our institution, Northwestern University.<sup>9</sup> Some universities likely view this endeavor as more of an experiment, while others are looking for ways to gain a competitive advantage by being the early adopters in this space.

A typical MOOC will run for six or eight weeks. Each week, students will be assigned reading, typically materials written by the professor or available from free online sources. They will also watch a video lecture, or

---

2014/03/03/study-massive-online-courses-enroll-an-average-of-43000-students-10-completion/.

<sup>4</sup> Steve Kolowich, *Wielding ‘Power Users,’* INSIDE HIGHER ED (Nov. 29, 2012), <https://www.insidehighered.com/news/2012/11/29/coursera-looks-harness-free-labor-its-devotees>.

<sup>5</sup> In some courses, students may be asked to read books they may need to purchase, and some MOOC providers give students the option of paying a fee to receive some extra benefit while taking the course. For example, Coursera, the provider for the Law and the Entrepreneur MOOC, gave students the option of paying a \$49 fee to join the “Signature Track” and receive a verified certificate of completion once the course is over (rather than the free certificate of completion most students received). Of the more than 36,000 who ultimately enrolled in the course, we had 229 students opt to enroll in the Signature Track.

<sup>6</sup> Audrey Watters, *Top Ed–Tech Trends of 2012: MOOCs*, INSIDE HIGHER ED (Dec. 18, 2012), <https://www.insidehighered.com/blogs/hack-higher-education/top-ed-tech-trends-2012-moocs>.

<sup>7</sup> See Laura Pappano, *The Year of the MOOC*, N.Y. TIMES, Nov. 4, 2012, at EL26. Coursera was founded by two Stanford computer-science professors, Daphne Koller and Andrew Ng. Udacity was co-founded by Sebastian Thrun, another Stanford computer-science professor who taught an online course on artificial intelligence that enrolled 160,000 students. Philip G. Schrag, *MOOCs and Legal Education: Valuable Innovation or Looming Disaster?*, 59 VILL. L. REV. 83, 85–86 (2014).

<sup>8</sup> See, e.g., Jeffrey J. Selingo, *Demystifying the MOOC*, N.Y. TIMES, Nov. 2, 2014, at EL23; Doug Guthrie, *MOOCs are Toast or at Least Should Be*, FORBES (July 31, 2013), <http://www.forbes.com/sites/douguthrie/2013/07/31/moocs-are-toast-or-should-be/>.

<sup>9</sup> *Meet Our Partners*, COURSERA, <https://www.coursera.org/about/partners>.

series of short video lectures, covering the week's topic. Students will be given the opportunity to engage in online discussions of the readings and lectures through the MOOC provider's website, and this kind of "class participation" may be factored into their grade in the course. Throughout the course, students will also be tested with quizzes, exams, or other assessments. Some assessments can be objective tests, with multiple-choice or short-answer questions, and these objective assessments will typically be machine graded. Students may also have graded homework or essay assignments, which may be graded by a professor or teaching assistant, but may also be peer graded.<sup>10</sup> At the end of the course, students who complete the course requirements satisfactorily will be given certificates of completion, which may or may not also contain an indication of whether a student's work was exceptional.

The students who enroll in MOOCs can come from any place with an internet connection, and there is typically a large international-student enrollment.<sup>11</sup> Even within the United States, MOOCs can bring higher education to geographic areas where it has typically not been available as they are accessed through the internet. Regardless of where the students are located, the impact of MOOCs has been significant. One 2013 estimate of MOOC activity says MOOCs educated ten million students, with over 1,200 MOOCs announced since 2012.<sup>12</sup>

In the spring of 2013, we were asked if we would like to teach one of Northwestern University's first MOOCs. It would also be the first MOOC offered by Northwestern University School of Law, and the first MOOC offered anywhere on the legal aspects of entrepreneurship. Despite the facts that neither of us had ever taken a MOOC, much less taught a MOOC, and that we knew very little about video production and online learning generally, we enthusiastically said yes. Although we did not know exactly what lay ahead for us, we had just agreed to embark on what turned out to be an incredibly exciting and eye-opening experience.

## I. THE LAW AND THE ENTREPRENEUR MOOC

The goal of our MOOC, Law and the Entrepreneur, was to provide entrepreneurs with basic legal information about issues they would likely

---

<sup>10</sup> In courses with large numbers of students, faculty grading is impractical and peer grading of essays is the only practical way to grade papers. In courses that are peer graded, faculty or teaching assistants may be asked to regrade assignments where there is a dispute over grading.

<sup>11</sup> See Geoffrey A. Fowler, *An Early Report Card on Massive Open Online Courses*, WALL ST. J. (Oct. 8, 2013), <http://online.wsj.com/articles/SB10001424052702303759604579093400834738972>.

<sup>12</sup> Dhawal Shah, *MOOCs in 2013: Breaking Down the Numbers*, ED SURGE (Dec. 22, 2013), <https://www.edsurge.com/n/2013-12-22-moocs-in-2013-breaking-down-the-numbers>.

face as they developed, launched, and built their businesses.<sup>13</sup> As we considered the structure and format for our MOOC, we knew we wanted the lectures and discussions to be based on a case model or hypothetical company. Having a hypothetical company and entrepreneurs would give us context for discussing legal issues and, we thought, make those issues more “real” and relatable to our students.

Inspired by the BarkBox (a monthly box of dog treats and toys) Professor Barron receives every month, and encouraged by the popularity of subscription-based businesses at the time we were brainstorming ideas for our business, we created a “box of the month” club called Coach Curiosity. Each month, customers would receive a box filled with products and educational material designed to teach them something new. One month, customers might learn to juggle, another they might learn to play a musical instrument, another they might learn to solve puzzles, and so on. We then invented two founders, a man and a woman named Jack and Sydney.

We designed our MOOC to cover the legal issues facing entrepreneurs in the same order an entrepreneur might face them in the real world. In other words, we started with the question of who owns the idea for the new business, including complications associated with having an employer when launching a new business. From there, we moved on to entity formation and continued through the legal aspects of intellectual property, raising money through the sale of equity securities or raising debt, hiring workers, and so on.

We structured the MOOC to run for six weeks with mini lectures, online discussions, and a quiz each week. Although the class was scheduled to run from October 23 to December 4, 2013, we made a strategic decision to release all six weeks’ material on the first day of the class, which allowed our students to take the course one week at a time or at whatever speed worked best for their schedules.<sup>14</sup> Our thought in taking this approach was that entrepreneurs have demanding and unpredictable schedules, so we wanted to be flexible enough so the course could work given their time constraints. We received positive feedback on this attribute of the course from students and had the sense that they appreciated this recognition and accommodation.

## II. COURSE DESIGN

In retrospect, we were incredibly naive about the amount of work and skill that was necessary to actually develop and launch our MOOC.

---

<sup>13</sup> *Northwestern University: Law and the Entrepreneur*, COURSERA, <http://www.coursera.org/course/law>.

<sup>14</sup> We told students in advance that even though they could take the course at whatever pace they preferred, we would be following the online discussion forums on a week-by-week basis following the six-week schedule. In this way, we managed student expectations about our participation in the course.

Although we intended for Law and the Entrepreneur to be a new course designed for entrepreneurs, not lawyers, it is largely based on a class we had previously taught to students at Northwestern Law nearly 20 times before. We had the material and overall approach to the class down pat, and we thought it would be a simple matter of pointing cameras at us while we covered material as we normally did. We could not have been more wrong.

Our mistake was not completely foolish since, on the surface, the courses were very similar. Just like our class at the law school, the syllabus of the MOOC covered legal issues in the same order they are faced by entrepreneurs in the real world. In addition, just like our class at the law school, a case study involving a hypothetical set of two entrepreneurs was used to illustrate the concepts in the course. The error we made was assuming that the translation from live, in-person course to online course would be simple.

Fortunately for us, Northwestern has experience with the challenges that faculty face in launching online courses, and it provided us with a team of specialists to help with course development. We had a project manager to oversee online courses through Northwestern's School of Continuing Studies, we had a learning specialist—an expert in online teaching and assessments, we had a web designer to do a custom build on the Coursera platform, we had an illustrator to help with visual elements of the case study, and we had a video crew to tape and edit the lectures. As more fully described below, these experts were integral to our ability to present the MOOC effectively.

#### *A. Challenges with Assigned Reading*

Assigning reading for class was among the most straightforward of the challenges we had. From the outset, we knew that the casebook<sup>15</sup> we usually use for our law students was not the best match for entrepreneurs and non-lawyers. We also knew that we preferred for the course to be completely free to students, with no need to buy a textbook.<sup>16</sup> At first, we tried to find free online resources for students that covered the material in a complete and easily digestible format. We were successful in finding interesting supplementary materials, but we quickly realized that it would be very difficult to assemble a good collection of core reading for students to do. We considered writing our own textbook for the MOOC, but time constraints made that solution impractical, so we went shopping.

---

<sup>15</sup> STEPHEN F. REED & ESTHER S. BARRON, *ENTREPRENEURSHIP LAW: CASES AND MATERIALS* (2013).

<sup>16</sup> Coursera and Northwestern also expressed to us that they shared this preference.

We identified an ideal textbook written for business students called *The Entrepreneur's Guide to Business Law*,<sup>17</sup> published by Cengage Learning, which we thought would be a great fit for the students in our MOOC and which we had used years ago in our law school course. Fortunately for us, Cengage and Coursera entered into a business partnership during our course development. Through that partnership, we were able to offer students digital versions of selected chapters of the textbook, which were free to students during the course. After the course was over, students could purchase a digital or paper version of the book. We believe Cengage made the book available on the theory that they would be able to sell copies of the full book, or selected chapters, to students following the end of the course, but we do not know whether the strategy worked.<sup>18</sup> We do know, however, that it was very helpful to have an excellent textbook available to our students for free.

### *B. Challenges in Lecturing*

As an initial matter, online lectures are very different from in-person lectures. From our perspective, there are two key differences: online lectures require a higher level of perfection, and online lectures lack most elements of interactivity and spontaneity. As to the first point, we were shocked at how “imperfect” our lectures in class are. It turns out that run-on sentences, stuttering, and “ums” and “you knows” are common in everyday speech but look amateurish on camera. It also turns out that we might have some annoying and possibly distracting physical habits like tapping a pencil, drumming fingers, and sideways looks. We did not want to do anything that would cause students to focus on us and not the content. We tried to minimize these potentially distracting habits, but they were hard habits to break. In addition, although we typically dress professionally for class, we do not worry too much about fashion or the messages we communicate with our clothes—and Steve does not even wear makeup. When on a video, however, the standards are different and physical imperfections should be minimized. This last point goes far beyond vanity. We believe that students in a media-centric culture are accustomed to newscasters, actors, and others who look perfect and speak perfectly, in a way that would never be expected from in-person interactions. If on-camera personalities stutter or appear to be sweating, we believe students will be less receptive to the content being presented. Fortunately for us, we were provided with excellent support from Northwestern’s information technology group in the form of a professional director and video crew who counseled us through the process. We learned what to wear (no patterns, and yes to makeup), how to speak (clearly, with a friendly smile and style), and how to be your best at every

---

<sup>17</sup> CONSTANCE E. BAGLEY & CRAIG E. DAUCHY, *THE ENTREPRENEUR'S GUIDE TO BUSINESS LAW* (4th ed. 2012).

<sup>18</sup> See related comments in Part V.

moment (do multiple takes of every moment of the lecture, then have the video editor choose the best version of each moment to stitch together a flawless performance). We tried speaking from bulleted lecture notes as we do in class, but found that the standard of perfection dictated by the video format was too high for this free-wheeling approach. Instead, we wrote out our lectures as a script and read them from a teleprompter. The use of a teleprompter provided its own challenges, as the need to seem exciting and spontaneous remained, so reading the words had to be done with smiles and lively tones. Our vanity came into play more so than for our live classes. The permanency and broad distribution that comes with videos made us more critical of how we looked, and we requested that a few videos be redone when we were not comfortable with how we looked or came across.

The idea that a pre-taped online lecture needs to seem spontaneous may seem counterintuitive, but in today's world one must work to keep students' attention—and online consumers will switch away from lectures that are dull.<sup>19</sup> In class, we make use of the Socratic method, and our dialogue with students keeps everyone (including us!) on their toes. Online, with a pre-taped lecture, there is no real analog. Rather than looking out on a sea of excited and engaged faces, we were looking at a director and three camera operators who were more concerned about the lighting and microphone volume than any of the content we were giving.<sup>20</sup> At the suggestion of the director, we instead got this kind of interaction by speaking with each other. At the end of nearly every substantive lecture, we would turn to each other and discuss the effect of the legal doctrine on our hypothetical clients. These discussions were planned and, although they seemed spontaneous, they were almost entirely scripted and performed multiple times before we had a “conversation” that was “natural” enough to work. At the recommendation of an online-learning specialist provided by Northwestern, we also presented our lectures in short, easily digested pieces. Rather than a one-hour lecture, we presented the key points each week in five or six lectures, each of which was five or six minutes long. We received positive feedback on our lectures from MOOC students. Little did they know that it took us more than 30 hours of studio time to get just over two hours of usable video.

### C. *Challenges with the Case Study*

In the first week of our on-campus law school classroom course, we introduce two hypothetical entrepreneurs who are starting a business together. We simulate an initial client interview, with us pretending to be

---

<sup>19</sup> Fowler, *supra* note 11.

<sup>20</sup> We learned fairly early on during the shoot that we could not expect our camera crew to give us the laughter, nods, and other feedback we typically get from students—the crew was professional and, frankly, didn't give a hoot about most of the subjects we covered.

the clients and students acting as lawyers. This simulation gives students the chance to put their early learning into practice, which they enjoy, and also is a lively element of class. Throughout the semester, students get the chance to apply each week's legal doctrine to the simulated clients. In this way, they are solidifying their understanding of the doctrine and seeing how it can apply in a real-world setting. We show the students contracts the simulated clients have signed, give them the chance to give face-to-face advice to the clients, and, in general, maintain a lively atmosphere by frequently referring to the clients.

As noted above, we believed a case study was an element that would make our MOOC more exciting to students as well, and so we created a "box of the month club," Coach Curiosity, which was co-founded by Jack and Sydney.<sup>21</sup> To bring the case study to life, we briefly considered playing the characters on camera, and we also considered hiring actors to portray Jack and Sydney, but neither seemed like the right approach. We settled on including written case-study information in each week's materials, which gives the students additional facts about the entrepreneurs and introduces some legal issues. The case-study page then included a link to the discussion forums, where we had created conversation threads focused on the issues raised in that week's case study.<sup>22</sup>

The case study at that point was useful from a curricular-design perspective, but we believed it needed to seem more personal for students to get involved—we wanted them to like Jack and Sydney and to be engaged in their business as it grew. Having already rejected actors portraying the characters as being a bit silly, we settled on developing artwork showing the characters in action. We spent many hours going back and forth with an artist hired by Northwestern and worked with him to create fun, almost comic-book style, artwork that gave Jack and Sydney faces, a workplace, and coworkers. Each week of the course included a new picture with the case-study facts, and students could put faces and context with names as they discussed Coach Curiosity in the discussion forum. In our video lectures, we treated the characters as if they were real people, ending most video segments with a "What does this mean for Jack and Sydney?" segment in which we would speak to each other about the legal issues facing the entrepreneurs. This last segment of our videos was the most conversational and spontaneous, and it wove the case study directly into the substantive lectures.

---

<sup>21</sup> We thought Coach Curiosity was a pretty good idea and briefly entertained launching the business ourselves.

<sup>22</sup> *Supra* Part I. For example, after a case study about hiring workers, we asked several questions including "What could Jack and Sydney do to create a valid internship program if they want to 'hire' Sydney's niece and possibly others?" and "What could Jack and Sydney do to entice Chris or Maurice to come work for them, beyond paying salary?"

#### *D. Challenges in Class Participation*

After nearly a decade in teaching, we are accustomed to the challenges of engaging students in class discussions. Over the years, we have learned many ways to encourage students to participate in the class conversation. We use humor, we use strategic silences, we use easy questions, we use challenging questions, and we ride the wave when students show their interest by sitting up and initiating eye contact. When we were designing our MOOC, we quickly realized that none of these strategies could apply as they all involve in-person, oral interactions.

How, then, does one encourage students to engage with the material beyond doing the reading, watching the lecture, and taking the test? It was easy enough to establish the online discussion forum, but how could we make students go to it and participate? We had two main strategies. First, as described below in the Challenges with Assessments section,<sup>23</sup> we gave students the opportunity to earn points towards completion of the course through participation in online discussions. Second, as described above, we tied the case study to the discussion forum. After learning the doctrine, students could engage in conversation about how the doctrine applied to Coach Curiosity. As explained below in our description of what happened once the MOOC launched, our strategy worked.

#### *E. Challenges with Assessments*

We have taught classroom courses using a host of different evaluation methods. We have used essay-type final exams, longer research papers, short written assignments designed to simulate law practice, class participation, and work conducted for live clients in a clinical setting. All of these methods share one thing in common: they require considerable instructor time to grade. With our MOOC, we knew these approaches were not practical—even at small enrollment numbers, we would not have time to grade each student's work. We were left with using peer-graded assessments, machine-graded assessments, or a combination of the two.

Perhaps because this was our first experience teaching online, we were concerned about peer-graded assessments. We knew that, if we were students, we would not appreciate being graded by our peers out of fear of student graders acting in their own self-interest to give artificially low grades. As instructors, we worried about student competence, in particular when grading papers that covered fine legal nuances. Left, then, with machine-graded alternatives, we tried to design an approach that valued knowledge of legal doctrine, class participation, and the ability to apply legal rules to factual situations. To test knowledge of legal doctrine and ability to apply legal rules, we deployed multiple-choice quizzes, which

---

<sup>23</sup> *Infra* Part II.E.

were worth 70% of a student's final score in the MOOC. Having never designed multiple-choice questions before, we worked with a learning specialist at Northwestern who helped us to identify the questions that best assessed student learning. Some questions just asked students to regurgitate legal rules,<sup>24</sup> but most required higher-order thinking to apply the facts to a given situation.<sup>25</sup> We graded class participation by giving points to students for participating in the discussion forums, which was worth 30% of a student's final score in the MOOC. To pass the course, a student would need a total score of at least 60%, meaning that a student could pass the course if they achieved a near-perfect score on the quizzes without any class participation, but that most students would need some measure of class participation to pass the course. As described below, we were pleased with how this assessment approach worked in practice.

### III. RUNNING THE COURSE

We learned that more than 36,000 students had signed up for our MOOC, from 189 different countries. We were relieved, flattered, and excited that we had sparked an interest and that so many people were willing to give our course a shot. However, as the date set for our MOOC's launch approached, we were filled with nervous anticipation. What would it be like once the MOOC was actually live and we had real (online) students, we wondered? Would it be stressful? Would the discussion boards light up with criticism of the course, or perhaps even

---

<sup>24</sup> For example:

Which of the following entity types provide limited liability to their owners? (Select all that apply.)

- (a) C-corporation
- (b) S-corporation
- (c) Limited liability company
- (d) General partnership

<sup>25</sup> For example:

Consider the following scenario:

*Hank and Harriet are friends who have started an online dating website. Harriet is an expert coder who built the site and designed the algorithm that matches site users to each other, and Hank used his marketing prowess to advertise the site and recruit its initial users. Business has been going well so far and the business is revenue positive. Although they have not filed any document with any government entity nor have they signed a contract between them, Hank and Harriet have been splitting the extra cash in the business's bank account at the end of each month.*

Without Hank's knowledge, Harriet signs a contract with an advertising agency to create an online advertising campaign for the business. Who is personally liable if the advertising agency sues to get paid?

- (a) Only Hank, since he was in charge of marketing.
- (b) Only Harriet, since she was the one who made the deal without informing her partner.
- (c) Neither Hank nor Harriet, since the business benefitted from the advertising campaign.
- (d) Hank and Harriet, since each has unlimited personal liability for the debts of the partnership.

worse . . . criticism of us? What if the discussion boards did not light up at all? As noted earlier in this article, we had taught a similar class to law students who were typically very engaged and gave us great feedback on the course. Was there a risk that this material would not translate well into a MOOC format and after one or two videos, students would simply fade away and all of our work and hours of preparation would be for nothing?

The date arrived and our pre-written note welcoming our students to the first week of Law and the Entrepreneur was sent out to all enrolled students. In the first videos, we discussed the legal implications, including ownership claims, of starting a new business while working for another company. We also discussed when it makes sense for entrepreneurs to first meet with, select, and hire an attorney. We also had the discussion forum pre-loaded with questions about the case study.

From the start, the discussion boards were active, and students posted thoughtful, interesting comments and questions that showed they understood the material and were engaged. They argued, persuaded, and generally analyzed the issues on the online discussion boards in a way that is very close to what we experience in our live class discussions. We were thrilled and breathed a temporary sigh of relief. In fact, the discussion boards were so active that we could not possibly keep up with all of the conversations. During the six weeks that the course was live, we had more than 18,000 active participants in the course, who collectively posted more than 30,000 posts. Students engaged faculty and each other in participatory learning.<sup>26</sup>

We needed help with the volume of posts on the forums, so we asked four of our clinic students to serve as teaching assistants and to monitor the online conversations. Every few days our TAs sent us an email summarizing conversations and highlighting threads that might need attention. Our goal was to join conversations where students seemed confused over a point of law and conversations that were especially popular. We also each spent hours every evening reviewing posts and joining conversations by adding our own points or agreeing with or challenging comments made by our students. We noticed that anytime we joined a conversation and the thread was marked as having participation by the instructors, the conversation became more active. It was clear to us that students appreciated our involvement in their conversations and wanted to interact with us more.

The feeling was mutual. We also wanted to interact with our students more and were curious about them. We planned several in-person “instructor meet ups” around the country where we would host an event at a local entrepreneurial hub and invite our online students to join us for an in-person conversation. Using meetup.com, an online tool from a

---

<sup>26</sup> For a discussion of learners teaching other learners, see Stephen Colbran & Anthony Gilding, *MOOCs and the Rise of Online Legal Education*, 63 J. LEGAL EDUC. 405, 419 (2014).

Coursera partner that allows groups with mutual interests to schedule meetings, and announcements to our students through the course site, we scheduled meet ups in Chicago, New York City, and Boston. At each meet up, we gave a short presentation about the subject of that particular week in the MOOC, focusing on the discussion-forum questions about the application of the legal doctrine to Jack and Sydney. We then showed a short video of bloopers from the making of the MOOC, and then opened the floor to discussion. Students were as active in their in-person conversations as they had been on the discussion boards.

In total, we met about 100 students at the meet ups. In Boston, we met two passionate entrepreneurs who were still in junior high working on a jewelry business. In New York, we met several practicing attorneys who were taking our MOOC so they could better represent entrepreneurs. In Chicago, we met a man who was launching a technology business after retiring from a long career as a mechanic. It was amazing for us to meet our students and hear their stories and why the course was valuable to them.

Throughout the course, we tried to think of other methods to engage our students and keep them interested. In the fifth week, we had an idea to create a weekly Friday Challenge. We would announce by email the date and time that we would post a question and then choose six winners randomly from the first 30 students to post the correct answer to our question.<sup>27</sup> We had hundreds of students participate and ended up learning even more about our students than just how they answered our legal questions. For example, out of the more than a dozen winners, only two lived in the United States. Despite the fact that we were teaching U.S. law, there was a very international component to our student body.

---

<sup>27</sup> For example, our Week 6 Friday Challenge message read as follows:

Welcome to the Week 6 Friday Morning Law and the Entrepreneur Challenge! There will be a drawing from the first 30 correct responses posted in the Week 6 Friday Challenge thread. Three prizes will be available:

- for one winner, we have a Coach Curiosity box; and
- for the other two winners, we have a Northwestern Law t-shirt.

Here's the question:

*Look at the Coach Curiosity website, available [here](#). Identify (i) an element on the website that is suitable for protection as a trademark, and also (ii) an element on the website that is suitable for protection under copyright law. (If you want a greater challenge, you can identify a single element that can be protected by both trademark AND copyright law.) There is more than one correct answer to this question.*

Ready, set, go!

In the end, more than 1,400 students completed and successfully passed our MOOC.<sup>28</sup> Although we do not yet have the relevant data, we believe many more students finished the course, but chose not to complete the weekly quizzes as they were not receiving credit for the course and were pursuing this as an educational opportunity only. Therefore, although those students may have satisfied their own course goals, they would not count as having passed or completed the course. We also have found that students have continued to use the materials in the course beyond the initial six-week period. Although students cannot sign up to take the course now, students who were enrolled while the course was open continue to have access to course materials. One year after the six-week course began, students were still watching hundreds of lectures, and even submitting quizzes.<sup>29</sup>

#### IV. LESSONS LEARNED AND BENEFITS REALIZED

When we agreed to teach the first MOOC offered by Northwestern Law, we were excited, but not certain what the benefits might be for us, for our students, or for our school. We had various expectations and made some assumptions, but in the end we were surprised by several of the outcomes.

One of the recognized benefits of MOOCs, and other free online education, is that they provide access to education to people who may not otherwise have those opportunities because of both economic and geographic barriers. At the outset, we were hopeful that our MOOC would provide some basic legal tools to entrepreneurs who may not have access to an attorney or to legal classes. Although our legal clinic provides excellent legal services to many entrepreneurs in the Chicagoland area, we turn down hundreds of requests for legal assistance each year. As a consolation, we often offer to meet with entrepreneurs who we are not able to take on as clients for short (about an hour long) meetings to at least provide a general discussion of legal issues that should be considered. The MOOC allowed us to provide much of the same information to entrepreneurs that we do in these meetings on a much larger scale. While the MOOC enrollment was open, we were able to suggest to applicants to our clinic that we could not accept as clients that they might consider enrolling in the MOOC. We hope that many of them took us up on that offer.

In addition, our reach went far beyond Chicagoland—to 189 different countries. Our clinical program and teaching with the law school typ-

---

<sup>28</sup> As described above, in order to successfully pass the course, students needed to achieve above 60% of the total points available. 70% of the possible points were based on quiz scores and the remaining 30% on class participation through online discussion forums.

<sup>29</sup> For example, in the last week of October 2014, more than 450 videos were viewed and three multiple-choice quizzes were submitted for evaluation.

ically only helps international students who are resident at Northwestern, but with the MOOC we could reach students around the globe. We were surprised at the interest from international students, particularly since the class focused on American law, but were pleased the course had a global reach.

The MOOC also provided branding opportunities to Northwestern University generally and to the law school in particular. Prospective students were able to take a class from two Northwestern law school professors and come away with a taste of a Northwestern Law class. At least one of our MOOC students applied for admission to the regular J.D. program at the law school and another applied to the LLM program.

Through our MOOC, we were also able to promote new law school programs. Northwestern Law launched a new Master of Science in Law (“MSL”) program in the fall of 2014.<sup>30</sup> The target students for the MSL program had overlapping qualities with our MOOC students—in particular, individuals interested in entrepreneurship and technology. We filmed a short commercial for the MSL program and sent a link to the video to all of our MOOC students. At least one of our MOOC students applied, was accepted, and ultimately enrolled in the MSL program.

Northwestern Law also furthered its already strong reputation as a leader in technology and innovation and demonstrated its continued commitment to staying on the cutting edge of legal education by being one of the first law schools to offer a MOOC and to be the first law school to offer a MOOC on entrepreneurship. No matter one’s views on the future of MOOCs, it is unusual for a law school to have innovated in this online space, and our view is that the institutional knowledge gained from developing and supporting our MOOC will be valuable as law schools move increasingly into distance learning.

The MOOC also served as a tool to connect with alumni. The law school sent an email to its alumni base marked as interested in entrepreneurship highlighting the MOOC, and we received several emails from alumni excited about what they perceived to be the school’s cutting-edge initiative in distance learning. Some alumni also enrolled in the class, in at least one case as a way of transitioning back into the active practice of law.

Although the MOOC had many positive consequences, there were certain lessons we learned as well. For one, as noted above, developing the MOOC was extremely time consuming and more difficult than we had imagined. Although it was definitely worth the effort, the time required to learn new skills and pedagogical methods was considerable. In addition, we are both perfectionists and it was difficult to admit when we had to compromise to meet required deadlines. For example, some of

---

<sup>30</sup> News Releases, Nw. Law, New Law Degree for Science and Technology Professionals (Nov. 11, 2013), *available at* <http://www.law.northwestern.edu/about/news/newsdisplay.cfm?ID=635>.

our original loftier visions, including having the case study presented as an animated cartoon, had to go by the wayside. We had also originally envisioned enhancing the course with interviews with lawyers and entrepreneurs but ultimately needed to eliminate those additional video shoots to release the course on time.

These lessons about compromise only went so far, however, and there were moments that reminded us that we were the experts in what we wanted our course to be. As one example, when the course page was first created, the designer chose a photograph to feature next to the course name. It was a group of people in business attire sitting around a boardroom table. Although the picture may have conveyed “business” or “law” or even “business lawyer,” it did not convey entrepreneurship. We asked for the picture to be changed to something that better connoted the energy, passion, and diversity of the entrepreneurs we hoped to reach with our course, but over weeks it became clear that we understood better than anyone else the look and feel we wanted. Ultimately, we wound up finding and purchasing our own stock artwork and uploading it to Coursera ourselves. The new artwork better captured our target audience by featuring a group of entrepreneurs collaborating on a project on a computer.

There were other challenges with the course as well. Although we settled on a combination of multiple-choice quizzes and participation in online forums as our student-evaluation criteria, we wonder if these assessment methods are the best way to give students tools they can use with their own entrepreneurial ventures. Our teaching in the classroom emphasizes practical, real-world skills training, and we ideally would like to have incorporated more of these skills in the MOOC. We also wish we had had more time to engage with our students online. During the six-week course, students were having substantive conversations in the forums at almost every hour of the day, and it would have been rewarding to be part of every discussion.

Notwithstanding those challenges, we are proud of Law and the Entrepreneur. The course covers a broad amount of complex legal material in a concise and, we believe, effective manner. Student feedback, available through the discussion forums, was overwhelmingly positive. The students appreciated our course material, they took the online conversations seriously, and they expressed gratitude to us and Northwestern when the class was over.

In addition, for us personally, teaching the MOOC has been an amazing experience and we feel very fortunate to have had this opportunity. It has allowed us to explore new methods of teaching, forced us to improve our own technical skills, and encouraged us to embrace distance learning. It also generated new ideas about integrating certain MOOC components (such as online discussions) into our traditional classes for Northwestern law students. We are even considering using our videos as a mini-review course for law students before they represent live clients in our transactional legal clinic. It introduced us to faculty and support staff

from around Northwestern University, people we had previously not met and whom we would not have met had it not been for the MOOC experience. Along the same lines, we learned about collaborating in teams with experts.

An added personal benefit, which is a theme careful readers might have sensed throughout this piece, is that teaching the MOOC was fun—really fun. The hard work was balanced by the joy of discovery, the fun of working with a close colleague in a collaborative way, and the excitement of building an international community focused on the legal aspects of entrepreneurship. Indeed, the most rewarding aspect of teaching the MOOC was that it gave us the chance to meet bright, passionate students and entrepreneurs from all over the world.

## V. THE ROAD FORWARD

We were fortunate to be asked to re-launch our MOOC in early 2015. We planned to leave the basic structure of the MOOC in place and will make relatively small changes. We spent time thinking about ways to better engage students and keep them interested in the course. We also planned to add questions more regularly during lectures with the hope that we would catch students starting to fade out and boost their confidence by asking them a question on the covered content that they would hopefully answer correctly. Unfortunately, the Content Access Agreement between Coursera and Cengage expired and we were no longer able to offer the book for free to our students. As a result, we made the difficult decision to cancel the relaunch until we are able to secure alternate teaching materials. We learned the hard lesson that being dependent on an outside content provider has inherent risks.

We have also started to explore the idea of specializations. We have heard, and it makes sense to us, that students are trying to find ways to make the MOOC certificates they receive for completing courses more valuable to them. One answer is specialization certificates. Specializations are several short classes that are related by a common theme and lead students to a final certificate for completing the specialization. The current model is that students pay for the specialization certificates even when the underlying MOOCs are free. Employers are even beginning to recognize the value of specialized certifications earned online.<sup>31</sup> We believe Law and the Entrepreneur would fit well into several different specialization tracks and are interested in evaluating student appetite and demand. This model also provides a potential entry into a revenue-generating proposition, which makes it more attractive to universities and possibly more sustainable.

We would also like to integrate the skills we gained in creating and teaching our MOOC into our traditional law school courses and serve as

---

<sup>31</sup> Douglas Belkin & Caroline Porter, *Job Market Embraces Massive Online Courses*, WALL ST. J., Sept. 27, 2013, at A3.

a resource for our colleagues who are interested in doing the same. There are many opportunities to create distance-learning components for law courses we teach and others offered at our law school. We are just starting to realize the possibilities and options. Inspired by our MOOC, we tried to implement an online discussion board into our traditional entrepreneurship law class last spring. We almost had to force our law students to participate, but once they were convinced to try it, the online discussions were robust and possibly more direct than in-class discussions. We wondered whether students feel more comfortable and less inhibited expressing opinions and asking questions when they had more time to think about what they wanted to say (or write) and were not actually surrounded by classmates.

We certainly would not pretend to know what legal education will look like in ten or even five years. There are still significant obstacles to a J.D. degree earned entirely through MOOCs and other distance learning methods, especially in light of current ABA accreditation standards.<sup>32</sup> However, we do feel fairly confident that legal education will look significantly different than it does now and that distance learning will have an important impact on the eventual and inevitable change. Our hope is that the steps we are taking now to experiment and become more comfortable with MOOCs and other forms of distance learning will better position us to be effective teachers and educators in the future, whatever that future looks like.

---

<sup>32</sup> Schrag, *supra* note 7, at 115. Online LLM degrees, like those currently offered by several schools, including Washington University, Loyola University Chicago, and University of Southern California, may be the first step towards revisions of the ABA standards to allow for an online J.D.