

A few thoughts on the the "*status quo post*" of legal education

The physical location of legal work

In a not too distant past, legal work had a physical location. Law was spoken in the courtroom, which served as a forum for the different parties and also as a "neutral ground". Lawyers went to their law firms and in-house counsel had their legal departments. Even more than other professions, lawyers needed their files and literature or court decisions and access to previous proceedings. In a physical world, one could sometimes order a carrier to transport the files of an important case. For that reason alone, it was simply better to stay in court, in the law firm or in the legal department. Moreover, being long hours in the office were usually part of an unwritten code of conduct within the legal profession.

Also legal teaching always had a physical place, namely the law schools and in particular the lecture hall, classrooms and the library. Here - exclusively - the relevant knowledge was taught or provided in the books that students could not possibly all buy.

The law has become detached from physical places

This situation has changed radically. Courts are opening up to online negotiation, law firms and legal departments are suddenly working independently of location and meeting clients and colleagues virtually. And where this state has not yet been reached, work is being done on it.

And what about the law schools? As if a switch had been flipped, the hallways are empty and the virtual meeting rooms are crowded. Lecturers are experimenting with new formats and it is amazing the creativity that suddenly unfolds. Now, there are tutorials, videos, self-examinations and even exams available online.

What should happen if a "*back to normal*" becomes possible?

Three main scenarios can be described:

- (i) Return to the original state ("*status pre ante*").
- (ii) The current state remains ("*status quo*").
- (iii) Something new becoming the "*status quo post*".

A surprising high number of lecturers want to return to the status pre ante, sticking to physical face-to-face events as an exclusive format. However, there are also opposing voices that can derive many advantages from the status quo. Obviously, there is no clear answer to the question above. However, some provocative questions could lead to a status quo post:

- Does a face-to-face class make ecological sense in view of the increased need for housing in university cities and commuter traffic?
- Does a university do justice to an increasingly heterogeneous student body that for financial, family or other reasons does not want to or cannot take an apartment at the university location?
- Is physical presence essentially a motivating factor for a particular group of students and must one therefore force everyone into physical face-to-face teaching?
- What do students really value about face-to-face teaching - the live lecture or rather the chat with other students and everything that goes with human interaction? - Is this a service to be provided by the university or can this be done outside of the classroom (e.g. in the form of student initiatives)?
- Should new models be developed to reduce or completely eliminate the disadvantages of virtual learning?

- Is it still rational to force students to be physically present when online participation could also be made possible?
- Should lecturers just learn to stand the eerie silence when no one in the room wants to answer a question (and you can't even hear the otherwise familiar rustle of paper)?
- Do lecturers fear competition? Suppose, hypothetically, that all law courses at universities were available online and students could access all content at all universities irrespective of their enrollment. What would happen? There would most likely be a run on the best classes. After all, how many different lectures on the law of tort do one really need?

Final remarks:

It is a pleasure to discuss with people face-to-face and to learn from one another. This, among other things, is what makes the profession of a lecturer attractive.

However, when it comes to designing a future-proof legal education, one should not be guided by one's own interests or mere tradition: Law schools will have to mirror – at least to some extent – what has become and will be a reality outside.

The current situation has revealed new possibilities and it should be considered very carefully how to rebalance the relationship between online and offline. In the future, it might be advisable to combine the best of both worlds.

Prof. Dr. iur.

Daniel Antonius Hötte

FH Bielefeld

hoette@fh-bielefeld.de

www.legal-tech-education.de

