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Show and Tell in the Legal Research Classroom: Screencasting as an Effective Presentation Format

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Want to know how to cure cancer? Go to YouTube.¹ Maybe your needs are more mundane—you can also learn how to butter toast via a range of YouTube videos.² It should come as no surprise, then, that the legal research world also abounds with how-to videos.

Legal research videos often take the form of screencasts. A screencast captures the visual space you choose on your computer screen and is typically accompanied by narration. The result often takes the shape of a microlesson, such as those you may have seen on academic law library websites. For example, the Georgetown Law Library offers video tutorials on a wide range of topics, from “TWEEN—Adding a class” to “Foreign Law Research.”³ Database vendors, such as CCH IntelliConnect, also post these kinds of videos on YouTube.⁴ When created by professors, screencasts are often used in a flipped or inverted classroom.⁵

If you are looking for an alternative to legal research guides or in class presentations to assess students’ learning, consider requiring students to create screencasts. Screencasts give law students the opportunity to exercise their professional and technological skills, demonstrate relatively in-depth substantive knowledge, create relevant course content, and produce a digital sample of work that could be a unique addition to a résumé. And all of these benefits come at little to no extra cost, as many free screencasting products are available for both Mac and Windows devices.

In spring 2015, we each taught an advanced legal research class piloting⁶ a screencast as a graded assignment. Here, we describe our reasons for creating this project, how we structured the assignment, how to help students succeed, and some tips to consider if you adopt this kind of assignment. In short, advance planning is the key, but it is well worth the effort given high student engagement and our satisfaction that the assignment met our classes’ core pedagogical goals.

A Preliminary Note about Technology

For our assignment we recommended our students use Jing,⁷ free software available for Windows or Mac that limits screencasts to five minutes. As a result, all of the screencasts had to be concise. There are a number of free alternatives, some of which place a time limit on the final recordings

“Screencasts give law students the opportunity to exercise their professional and technological skills, demonstrate relatively in-depth substantive knowledge, create relevant course content, and produce a digital sample of work that could be a unique addition to a résumé.”

¹ E.g., Infinite Waters, *How to Cure Cancer*, YouTube, Oct. 9, 2013, <https://www.youtube.com/watch?v=qUftEWbCfhk>.

² E.g., HowToBasic, *How to Perfectly Butter Toast*, YouTube, June 3, 2015, <https://www.youtube.com/watch?v=2Ush-1esQ-4>.

³ Tutorials, GEORGETOWN LAW LIBRARY, <https://www.law.georgetown.edu/library/research/tutorials/index.cfm>

⁴ Wolters Kluwer Tax & Accounting US, CCH Online Tour, *YouTube*, Apr. 7, 2015, <https://www.youtube.com/watch?v=kpwnXRRfCUU>.

⁵ Alex Berrio Matamoros, *Answer the Call: Flipping the Classroom to Prepare Practice-Ready Attorneys*, 43 Cap. U. L. Rev. 113, 118 (2015).

⁶ In fact, we are teaching the same courses this spring (2016) and using a slightly revised screencasting assignment. Towards the end of this article, we include reflections from this “second take.”

⁷ Jing, TECHSMITH, <https://www.techsmith.com/jing.html> (last visited Feb. 24, 2016).

“We discovered that lawyers use screencasts to attract clients, record e-discovery, and present basic information to associates and to clients.”

and some of which do not. Most free tools do not permit editing. In order to produce a high quality screencast, then, retakes are often required; however, students do not have to learn how to edit, so the cognitive load of learning new technology remains manageable. Alternatively, you could introduce your students to higher-quality software such as Camtasia, but consider how much time, money, and cognitive effort you want this assignment to incur.

Why Assign a Screencast?

Our inspiration for this assignment came from our own education backgrounds: one library school course⁸ required a variety of presentation formats, including a screencast. Our students, however, are law students rather than library students, so we sought to ground our assignment in a practice parallel to increase its relevance. We discovered that lawyers use screencasts to attract clients,⁹ record e-discovery,¹⁰ and present basic information to associates and to clients.¹¹ Ian Nelson and Chris Wedgeworth, for example, urge lawyers to adopt screencasts as a training tool:

“With the now common knowledge that clients are pushing back on junior time due to a lack of value, adopting a just-in-time approach can be a step towards showing clients concrete steps are being taken to fix the problem.”¹²

With this parallel in mind, our assignment furthered three main pedagogical goals:

⁸ Our thanks to Richard Jost, Information Systems Coordinator at the University of Washington’s Gallagher Law Library, for both encouraging us to experiment in the classroom and inspiring us as teachers.

⁹ Can You Make Money with Your Video Screencasting Skills, Learn Camtasia, <http://www.learncamtasia.com/misc/can-make-money-video-screencasting-skills/> (last visited Feb. 24, 2016).

¹⁰ Sharon Nelson, Screencast Tool to Preserve Cyber Investigation Evidence, Ride the Lightning, (Feb. 2, 2011, 10:00:00 AM), <http://ridethelightning.senseient.com/2011/02/screencast-tool-to-preserve-cyber-investigation-evidence.html>.

¹¹ Screencasting Scratches a Systemic Advocacy Itch, Legal Services NTAP, http://lsntap.org/Spiffy_screencasting (last visited Feb. 24, 2016).

¹² Ian Nelson & Chris Wedgeworth, *Why Just-in-Time Video is Perfect for Legal*, LEGALTECH NEWS (Dec. 16, 2014).

enhanced substantive expertise, communication skills, and experience with technology.

First and most importantly, we wanted our students to develop subject matter expertise in the research concept or database featured in their screencasts. Students who teach their peers often learn more effectively, reinforcing the learning process.¹³ In order to teach others, the screencast creators had to develop a deeper understanding of their chosen topic, whether it was using the Franklin County Auditor’s website or comparing search results in Google and Bing.

Second, we emphasized students’ development of effective communication skills. Whether in the courtroom, in the boardroom, or simply in a meeting with an individual client, clear communication is central to law practice. Similarly, explaining a research task or how a database functions requires more than an audible tone. Screencasts need to follow clear, logical steps, for example—a key component of effective communication. Additionally, when given a mere five minutes to convey a concept via screencast, students must devote more time to focusing on what they truly need to convey to their audience. Moreover, screencasts are more permanent than an in-class presentation, making feedback about effective communication more effective, as students can review their work with instructor comments in mind.

Third, in the course of this assignment, students gained a successful experience with unfamiliar technology. The ABA has admonished lawyers to keep abreast of technology and its effects on law practice,¹⁴ and many state bars are following

¹³ David Boud, *Introduction: Making the Move to Peer Learning*, in PEER LEARNING IN HIGHER EDUCATION: LEARNING FROM AND WITH EACH OTHER 1, 3 (David Boud, Ruth Cohen & Jane Samson eds., 2014).

¹⁴ See Comment to ABA Model Rule 1.1: Maintaining Competence:

[8] To maintain the requisite knowledge and skill, a lawyer should keep abreast of changes in the law and its practice, including the benefits and risks associated with relevant technology, engage in continuing study and education and comply with all continuing legal education requirements to which the lawyer is subject. G.M.

suit.¹⁵ Students can draw on the screencasting experience to think more broadly about this new duty, particularly because our goal was not to teach students about a particular software application but rather to get them comfortable with experimenting with unfamiliar tech tools.

Our secondary pedagogical goals also reflect current expectations of law practice. This assignment requires many parts, as described below, making project and time management vital. Patience and persistence were valuable tools. As mentioned above, the free screencasting technology we used did not permit editing. Consequently, if a dog barked in minute two of the recording, students had to start over. Finally, many potential problems may surface during a screencasting project—from not knowing where to start with a topic to microphone failure. By its nature, then, this assignment required problem-solving skills.

Clearly, many reasons support the adoption of a screencasting assignment in the legal writing classroom. One small screencasting project can help meet many objectives, and ultimately, students may in fact use this kind of tool in practice.

Our Screencasting Assignment

The screencasting project included several required components in addition to the featured product, the screencast: an email to deliver the screencast to the class, a screencast script, a reflection paper by the screencast creator, and peer-reviews from the audience. Each part of the assignment furthered one or more of our pedagogical goals.

Filisko, Reality Bytes: New ABA Rules Require You to Get with Tech Program—Like it or Not, ABA J. (Apr. 1, 2013), http://www.abajournal.com/magazine/article/new_aba_rules_require_you_to_get_with_tech_programlike_it_or_not/.

¹⁵ See, e.g., Va. Proposed Amendments to Rules of Professional Conduct Based on Ethics 20/20 Amendments to ABA Model Rules, http://www.vsb.org/docs/prop-1_1-1_6-022815.pdf (last visited Feb. 24, 2016); OHIO RULES OF PROF'L CONDUCT R. 1.1 cmt. 8, (2015); *California Ethics & Technology Resources*, THE STATE BAR OF CALIFORNIA, <http://ethics.calbar.ca.gov/Ethics/EthicsTechnologyResources.aspx> (last visited Feb. 24, 2016) (“addressing attorney professional responsibility issues that arise in connection with the use of Internet websites, email, chat rooms and other technologies”).

We asked students to send their screencasts to the class via email, which required a short professional email with a functional link to the screencast. We recommended that the screencast creator describe the aims of the screencast briefly in the body of the email. This step reduced the administrative work on the part of the instructor.

Screencast creators were also required to submit a script to the instructor, serving two purposes. It was useful for those instances where the audio portion was unclear. More importantly, however, we intended that it compel students to truly think through and plan their screencasts—reinforcing several pedagogical goals: communication skills, project management, and time management.

To encourage full class participation, we required both student viewers and screencast creators to engage in some form of assessment. Screencast creators submitted reflection papers explaining their strategy for developing their ideas, challenges they encountered and how those problems were resolved, and lessons they drew from the experience. The reflection paper gave us important feedback about students' learning. Some comments reinforced cautions we alerted students to early: many students had to restart recording because a dog barked, a phone rang, or a pop-up window appeared on their computer screens. A number of comments, however, demonstrated deeper considerations about the project. Students remarked on the usefulness of providing a client inexpensive instruction on filling out a yearly permit, for example, or sharing basic but vital information with a practice group.

The peer reviews, on a scale of one to five, asked students to assess whether the screencast

- (a) accurately and interestingly portrayed the chosen subject matter;
- (b) used well-chosen examples to illustrate the topic;
- (c) demonstrated careful organization that was easy to follow;
- (d) contained no grammatical errors or unprofessional language;
- (e) included clear, easy-to-hear narration;

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(f) used visual space purposefully; and

(g) was paced appropriately.

Students were also asked to comment on what they learned from the screencast they watched and what change or changes would most increase the effectiveness of the screencast. The reviews were emailed to us as instructors rather than to the screencast creator. We then compiled, edited, and returned the feedback to the screencast creator. This gave the screencast creator a second perspective, and the peer reviewers' comments often reinforced our own observations about the quality and effectiveness of the screencast.

In turn, we gave students feedback throughout the course. When the project was introduced at the start of the semester, we provided an assessment rubric that covered criteria similar to those addressed in the peer evaluation form. These criteria mapped onto our pedagogical goals for the assignment. We then provided formal, written feedback after a student completed his or her video. This feedback was comprised of a one to two-page narrative about the student's work and incorporated comments from the peer reviews. Finally, we waited until all screencasts were complete to provide a grade to each student so that we graded them from the same perspective.

Setting Students Up for Success

While some students may feel overwhelmed by the mere thought of learning technology—we are in law school, after all, not computer science class—there are several ways to prepare students to use the technology effectively.

Consider requiring each student to meet with you to scope a topic to successfully fit it into a five-minute screencast. We did not require this in our pilot of this assignment,¹⁶ but for those students we did meet with, their screencasts were more detailed and thoughtful. In other words, they did not just cover something so broadly they never got past information their colleagues could figure out on their own.

Training students on the software results in better quality screencasts. For example, we held a voluntary training session to explain Jing's features and quirks and to show how easy it is to avoid many screencasting errors, such as mousing at lightning speed. We also used that session to give students our expectations in terms of content and video quality. The slides from that training were then posted to our course pages.

Advance reading material encourages superior screencasts as well. We provided a reading on what makes a “good” screencast.¹⁷ The reading gave structure and timing tips, but it also encouraged students to think about professionalism. For example, the reading recommended screencast creators close any personal or objectionable tabs that might be viewable in the screencast frame. What could be more distracting in a screencast about the United States Patent and Trademark Office website than a series of tabs suggesting the screencast creator is tracking the latest news on the NFL draft or Miley Cyrus? In addition to the readings, one instructor created good and bad samples to illustrate our expectations. Because screencasting was new to all of our students, we wanted to give them some context and to show them that we have experience with this genre.

Potential Hurdles

We encountered no insurmountable hurdles during the semester, a big relief when you are trying something new. If you have not tried screencasting yet, it only takes ten minutes to get a sense of how to do it. In order to design a thoughtful assignment, however, two key areas bear significant consideration.

Scheduling

Give some thought to whether screencasts will coincide with daily class topics. For example, if you teach legislative history research on the sixth class session, do you want the screencast concerning the Congressional Record online to be available for

¹⁶ One of our project revisions for this semester is a meeting requirement. See below for more information.

¹⁷ E.g., Screencasting Best Practices, Screencast.com, <http://www.screencast.com/help/tutorial.aspx?id=403> (last visited Feb. 24, 2016).

students to watch as homework for that class? Our course schedules and screencast assignments were synchronized, so we developed a relatively detailed sense of the complete semester in advance. This approach seemed to make the screencasts more relevant to the course material for those watching.

In order to facilitate topic and date selection by students, consider a sign-up structure that encourages preparation of videos throughout the semester so students do not all wait until the end. Though tax databases are fascinating, watching seven screencasts on the same one for your last class requires its own special effort. To avoid a bottleneck, we limited the number of sign-ups available to three per class. Second, consider how to accommodate a student missing a turn-in deadline or needing to reschedule. Building in a couple of days of class where no student can sign up for a screencast gives you flexibility for unexpected issues with students or your own teaching needs.

In light of the many moving parts, clear deadlines are vital. It is important to allow ample time for you and the class to review a screencast, especially if you plan to talk about it during class. For example, both of us taught on Thursdays during the semester in which we piloted this project. Screencasts and associated written materials (script and reflection) were due on Monday, with peer reviews due before class. As a result, we could safely assume everyone had viewed the screencast before class, and we had plenty of time to fold those concepts into our lesson plans.

In spite of all your planning, something may unexpectedly go wrong for a student. Illness or family problems can interfere with deadlines, so have a backup plan if a student misses the turn-in deadline. For various reasons, we had requests to adjust dates after a student signed up for a screencast date. Depending on the timing of the request, we tended to let them just move the date (we had some spare dates for students in this situation) in the interest of ensuring the screencast was thoughtfully prepared and not simply dashed off.

Technology

Technology may get tricky for students, but planning reduces both the number of problems that arise and student frustration with technological hiccups. Tell students early to plan for something to go wrong with the technology. For example, students may unexpectedly need a microphone or a computer, perhaps due to a particularly nasty computer virus. After all, part of project management is planning in advance for unexpected issues. We also let students know we had arranged for a quiet office they could reserve to record in the event they needed it, with access limited to working hours. Alerting students to potential technology hiccups encouraged students to give the technology a try well in advance to ensure everything worked on their end. Setting that expectation early helped us defend any diminution in points from students who did not plan accordingly.

Accessibility

None of our students requested an accommodation for any form of disability. Visually impaired students, however, may require some form of adaptation. Your university's or law school's ADA coordinator should provide some suggestions. It is worth noting that both Thomson Reuters¹⁸ and LexisNexis¹⁹ provide accessibility support as well, so creating some sort of screencast on a research topic using either of those databases may be possible. In fact, any student could use their screencast to explain how those databases' accessibility features work and how they may hinder or improve one's research.

Assigning Screencasts: "Take Two"

We are each teaching ALR this semester (Spring 2016), and we have once again required students to submit Jing screencasts. Student feedback suggested that although the assignment was frustrating, it was a valuable learning tool. To illustrate, one student mentioned using a peer's screencast as a review when completing a final course project.

¹⁸ Accessibility, Thomson Reuters, <http://legalsolutions.thomsonreuters.com/law-products/about/legal-notice/accessibility> (last visited July 29, 2015).

¹⁹ LexisNexis Commitment to Accessibility, LexisNexis, <http://www.lexisnexis.com/gsa/76/accessible.asp> (last visited July 29, 2015).

Another student showcased tax research in Checkpoint, a database her summer firm had recently acquired—consequently, she brought an expertise no other summer associate did.

We learned from the experience as well and feel our students are benefiting from those lessons. First, showing students screencasts produced for the assignment during our pilot year and highlighting strengths and weaknesses from those student-produced works seem to have given this year's class a stronger reference point than the screencasts *we* created to illustrate the good and the bad. This approach also helped address another issue: peer feedback from the pilot assignment was, at times, not particularly meaningful.²⁰ To address this, one professor asked her students to first view the screencast prepared by a student during the pilot year, then provide feedback using the assignment feedback form. The professor gave feedback on

the feedback, noting how to make generic, positive feedback more constructive and meaningful.

Finally, this semester we require that students meet with us briefly to discuss what they intend to screencast. The screencasts being produced on this “second take” are more narrowly focused, better planned, and seem to be making a bigger impression on the class.

Conclusion

Screencasting provides a valuable alternative to more traditional classroom assignments. It requires students to engage with technology, giving our students a skill not all new lawyers will have. Students with particularly good screencasts can include links on their résumés to showcase their engagement with technology as well as their expertise on a particular LRW topic. These screencasts may not cure cancer, but they will do more than butter toast!

²⁰ Students often wrote things like “this was great; wouldn’t change a thing!” or “nice job.”

Micro Essay: Practice Ready

Not Ready

Dear Graduate,

You’re not practice ready yet. You’ve got a J.D., yes. You could take clients and sue people. You could draft a contract. Right? Right. No, you’re not ready. Here’s the thing: no one is. And no matter what impression older lawyers give you, they weren’t either. Don’t roll your eyes, but here’s the truth: *practice ready is a journey*. It’s a process, and law school is the first step. So don’t just go along for the ride. Every day post-J.D. is a chance to learn something, to try something, to get ... ready. So get going.

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