



WILLIAM MITCHELL  
COLLEGE OF LAW

# THE CASE FOR INNOVATION

FIVE PERSPECTIVES ON WILLIAM MITCHELL'S NEW HYBRID ENROLLMENT OPTION



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Attorney and Former Chief Justice of the Minnesota Supreme Court



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*“In September 2013, the American Bar Association Task Force on the Future of Legal Education called on law schools to innovate and embrace technology as a means for educating future attorneys.*

*William Mitchell College of Law in St. Paul, Minn., has answered the call.”*

This is how the ABA Journal started a story about Mitchell's new hybrid enrollment option, which was formally approved by the American Bar Association Council of the Section of Legal Education and Admissions to the Bar in December 2013.

The four-year, part-time program is designed for students whose location or work commitments prevent them from pursuing a legal education full time. It will mix recorded lectures and quizzes with video conferences and online discussion forums when it launches early next year. Students will also be required to complete externships, attend on-campus experiential learning classes at the end of each semester, and practice their legal skills.

Some feel innovation in legal education is long overdue. Others question whether or not the program can adequately train students for a career in law. Whether people support the new enrollment option or are skeptical about its efficacy, one thing is clear: The latest Mitchell innovation has gained the attention of some of the brightest legal minds in the country.

Here, in their own words, is why some of Minnesota's most respected leaders are so excited about Mitchell's new hybrid program.



# 'New opportunities for those seeking a rigorous, experiential legal education'

By Kathleen Blatz, attorney and former chief justice of the Minnesota Supreme Court



The internet and “The Paper Chase”—the iconic movie about life in law school—were created just a year apart in the early 1970s. Since then, the internet has transformed how most people communicate and how most institutions operate. One notable exception: American law schools, where the education model has more in common with the 20th century than the 21st.

Like the fictional first-year student in “The Paper Chase,” many people pursuing a J.D. degree today must attend classes on a law school campus, where professors generally deliver their lessons from a lectern in lecture halls.

To some degree, it’s not surprising that law schools have remained bastions of traditional teaching.

Consider: The law itself is based largely on precedent. However, the practice of law is increasingly driven by technology and the efficiencies it affords, from electronic research to client correspondence. The age of the long opinion letter written on expensive letterhead stationery is coming to a close and will be permanently replaced by ever-advancing online communications.

*“Other law schools will no doubt be watching William Mitchell’s progress and adopting their own hybrid programs tailored to technology in the 21st century.”*

Clearly, the traditional approach has proven effective for training generations of attorneys. Still, it excludes those who prefer new digital-learning methodologies. It also limits access for those who live in rural areas and want a legal education but can’t live on campus or affordably travel to attend classes, as well as those with heavy work schedules or family demands.

The internet holds the power to help overcome these learning-style and geographic constraints. That’s why William Mitchell College of Law is to be commended for launching the first-of-its-kind hybrid option to earn a J.D. from an ABA-accredited school.

William Mitchell’s innovative approach promises to provide new opportunities for those seeking a rigorous, experiential legal education.

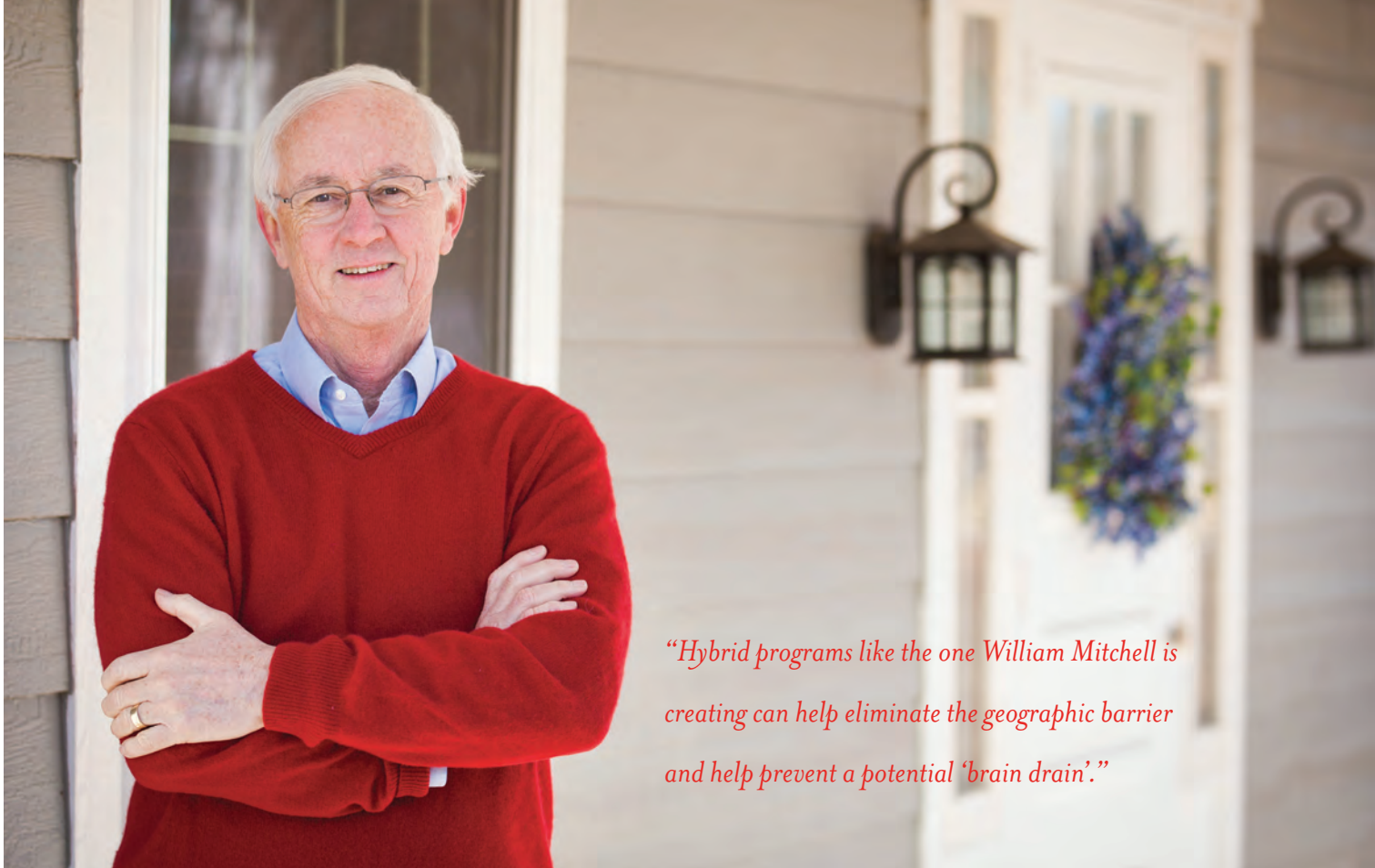
Equally important, it takes advantage of the transformational change in how people interact and learn in the digital age. The internet has revolutionized communications, providing an electronic platform where people

can collaborate and access knowledge via computer—anywhere, anytime.

Some may remain resistant to this digital shift in law school and look askance at this new type of degree option.

I remember 30 years ago, when that same attitude prevailed about a J.D. earned at night school. Today, no one questions a lawyer’s degree just because they earned it in the evening. The same will hold true for law degrees with a strong digital element. In fact, I believe, digital learning will become a firm fixture in all types of education in the future.

Other law schools will no doubt be watching William Mitchell’s progress and adopting their own hybrid programs tailored to technology in the 21st century. For now, I applaud William Mitchell as it leads the way.



*“Hybrid programs like the one William Mitchell is creating can help eliminate the geographic barrier and help prevent a potential ‘brain drain.’”*



## Bridging the last mile in legal education

By Jim Hoolihan '79, president, Industrial Lubricant and Can-Jer

Timber, iron ore, and Judy Garland: all are exports of my hometown, Grand Rapids, Minn., population 10,000. Our rural and vital community has also produced a number of graduates—a county attorney, several district court judges, me—from William Mitchell College of Law.

Like many other outstate communities, Grand Rapids is hours away from any professional school or law school—a significant barrier to hopefuls like me. To prepare myself for eventually taking responsibility for my family's business, I attended Notre Dame. Then, at some cost to the business, I went on to realize my aspiration of earning a law degree before intentionally returning to the community.

I was glad I did. Two years later, due to unforeseen circumstances, I was required to take the reins of our business. If I hadn't managed to get my J.D. degree when I did, I'm sure it wouldn't have happened.

Many others who live in greater Minnesota and aspire to a legal education don't have the same opportunity I did. The obstacle of distance, the realities of time, and the demands of family and jobs become insurmountable barriers.

With our burgeoning collection of digital learning tools, distance shouldn't stand in the way of a legal or any education. It's time that higher education and our law schools adopt 21st century learning practices. An American Bar Association task force said as much, recommending new academic programs that improve student affordability and access.

As an alum and now a member of Mitchell's board of trustees, I'm proud that William Mitchell has taken that advice to heart. When it begins to offer the hybrid program next year (in addition to its full-time and part-time options), students throughout Minnesota and beyond will experience the same rigorous coursework as their on-campus peers, plus a concentrated period of on-campus instruction, that will help overcome the commuting barrier faced by so many aspiring attorneys.

I attended law school in St. Paul intent on returning to Grand Rapids, where I hoped to make lasting contributions. I had that opportunity, serving as the city's mayor, and more recently, on the board of a community foundation.

Hybrid programs like the one William Mitchell is creating can help eliminate the geographic barrier and help prevent a potential “brain drain.” It will give future community leaders an option to participate in their community during and after pursuing their J.D.—which may lead to even greater contributions in our outstate communities.





*“William Mitchell, with the development of its new hybrid on-campus/online enrollment option, has embraced innovation—and the business community will be better served as a result.”*



## ‘This is the start of something exciting’

By Ivan Fong, senior vice president, Legal Affairs and General Counsel, 3M

*“If I had asked people what they wanted, they would have said a faster horse.”* So goes a famous quote attributed to Henry Ford, even though there is scant evidence he actually said it.

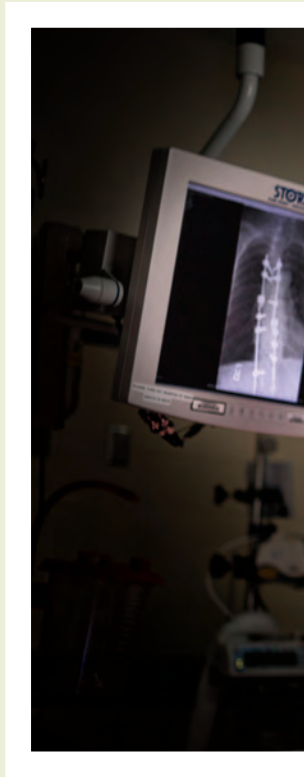
Regardless of who said it or who said it first, the point is clear: To build lasting success, leaders and organizations must continually innovate in ways that are disruptive to the status quo. They need, in other words, to offer customers something they would want *if* they had thought of it.

That is exactly what William Mitchell and its leaders have done with its new hybrid enrollment option. The new program is a pioneering and potentially disruptive step toward re-inventing the future of legal education.

As general counsel of 3M, I can appreciate the value of innovation and invention, for 3M is a company that never stops innovating and inventing. As the world changes ever more rapidly, 3M is there, on the forefront, to meet our society’s changing needs and desires. From sandpaper in the 1920s, to Post-it Notes in the 1980s, to orthodontics, high-speed fiber optics, and glass microspheres today, 3M is not afraid to invest in R&D and customer insights, to try new things, and to take calculated risks.

The same can be said of William Mitchell. The hybrid enrollment option has the potential to change the way we think about and provide legal education. It will provide flexibility for students who are unable, for distance or other personal reasons, to be regularly physically present in an on-campus classroom. And it is based on a new, proven model of learning, in which students learn from lectures outside the classroom and then do “homework” inside the classroom. One is not an optional addition to the other; they are both core pedagogical experiences that complement each other. I see this inversion of the traditional educational model in my own college-age children, who now watch lectures online on their own schedules (usually late at night!) and then go to class during the day to work with others on their homework assignments.

This is the start of something exciting. Executing the program successfully and measuring its outcomes will be critical to whether the program lives up to its transformative promise. I wish it every success and look forward to toasting the graduates of the new program in the years to come!





# A doctor's diagnosis of the hybrid program

by Dr. Darryl Dykes, 3L, M.D., Ph.D.

In my doctoral and post-doctoral work, I developed and used “conformational energy” analysis to study macromolecular geometry.<sup>1</sup> Mathematically, these analyses are expressed as:

$$E_{TOT} = \sum (Q_i Q_j / D r_{ij}) + \sum \epsilon_{ij} ((R_{ij}/r_{ij})^M - 2(R_{ij}/r_{ij})^N) + \sum A_k (1 \pm \cos n \theta_k) + 1/2 \sum K_{\theta} (\Theta - \Theta_{\theta})^2 + 1/2 \sum K_b (b - b_0)^2 + 1/2 \sum K_x X^2 + \sum \sum F_{bb'} (b - b_0)(b' - b_0') + \sum \sum F_{\theta\theta'} (\Theta - \Theta_{\theta})(\Theta' - \Theta_{\theta'}) + \sum \sum F_{B\theta} (b - b_0)(\Theta - \Theta_{\theta}) + \sum F_{\Phi\Theta\Theta'} \cos \Phi (\Theta - \Theta_{\theta})(\Theta' - \Theta_{\theta'}) + \sum \sum F_{XX'} X X'$$

A simple way to think about this dreadful-looking equation is to consider familiar concepts in nature. For instance, the force of gravity that pulls objects toward the ground, the forces that bend steel when cars crash, and the forces that draw magnets closer together or further apart. As you can imagine, scientists can measure and predict all of these forces. Similarly, for any given shape of a macromolecule, its internal forces interact in ways that are measurable and predictable using equations like the one above. Well, here is the key: although every macromolecule has

an infinite number of possible shapes, nature always strives to find the *best one possible*. (*This is a law!*)

But what does this have to do with legal education? Like cars, magnets, and macromolecules, educational programs come in many different forms. Unlike nature, however, legal educators have done relatively little over the centuries to discover or promote the best possible forms of teaching and training students. Clearly, every form of education has strengths and weaknesses that we will never understand with scientific or mathematical

precision. However, a key strength of online education is its convenience. As a practicing orthopedic surgeon, any opportunity to reduce the burdens of commuting and the inflexibility of year-round campus-based classes would have greatly improved both my educational experience and my ability to be able to care for patients. While I have had a great experience at William Mitchell, I certainly would have pursued the hybrid program if it had been available three years ago when I applied to law school.

A key concern with online education is a perception that it is less rigorous than classroom teaching. However, in my experience teaching medicine online at the graduate and post-graduate levels, I have tended to demand more from trainees, and they have responded with even greater creativity, enthusiasm, and productivity than trainees in many other environments. Furthermore, where academic rigor relates to concepts like “high standards and expectations,” “critical thinking,” and “cognitive development,”<sup>2</sup> research shows that online students and instructors often find their experiences *more* rigorous than in-class experiences.<sup>3</sup>

Ultimately, it is important to understand that William Mitchell’s new hybrid J.D. option is neither a traditional “bricks-and-mortar” approach nor a traditional “online” approach. I think of it as a “bricks-and-modems” program. It delivers our time-tested, comprehensive, and rigorous curriculum in a package that is more accessible and responsive to 21st century living and working. These forces belong together. I predict that this is a “natural” move toward the best possible shape of legal education!



1. Macromolecules are large chemicals, like proteins. They are important building blocks of all materials, including living organisms. Understanding the shapes of macromolecules helps us understand how they work together in nature—like how a key of a certain shape works in a lock. This has many important applications in medicine, such as how viruses attach to cells or how drugs and hormones interact with their targets in the body.

2. See work by Charles Graham & Christopher Essex for a synopsis of instructors’ definitions of “academic rigor.” Available at: <http://eric.ed.gov/?q=ED470163&id=ED470163>.

3. See e.g., Linda Harasim, Shift happens: online education as a new paradigm in learning., *Internet and Higher Education* 41–61 (2000) (An overview of the history of online education and the use of network technologies for collaborative learning in post-secondary education); and D. Randy Garrison and Heather Kanuka, Blended learning: Uncovering its transformative potential in higher education. *Internet and Higher Education* 7, 95–105 (2004) (Concluding that blended learning is consistent with the values of traditional higher education institutions and has the proven potential to enhance both the effectiveness and efficiency of meaningful learning experiences.)



# Closing arguments

by Eric Janus, president and dean, William Mitchell College of Law

Mitchell began as an innovative law school, expanding access by providing night classes and a part-time schedule for adults whose work and family obligations precluded traditional, full-time education.

While welcomed as an opportunity by many, this innovative idea was viewed by others with skepticism. The dean of Yale Law School called night law schools a “rank weed” and urged their closure. John Henry Wigmore of Northwestern University Law School recommended that law schools exclude outside work of any kind because students who must work could not dedicate the necessary time to law school, and therefore should not aspire to a legal education.

Undeterred, the founders of William Mitchell understood that quality was not tied to a particular instructional format. As a result, thousands of “if not for Mitchell” lawyers—from Warren Burger ’31 to Rosalie Wahl ’67—have been able to put their talents and energy to work for the benefit of themselves and our community and our nation.

Today, we are once again challenging the routine assumptions about legal education, with our new hybrid enrollment option.

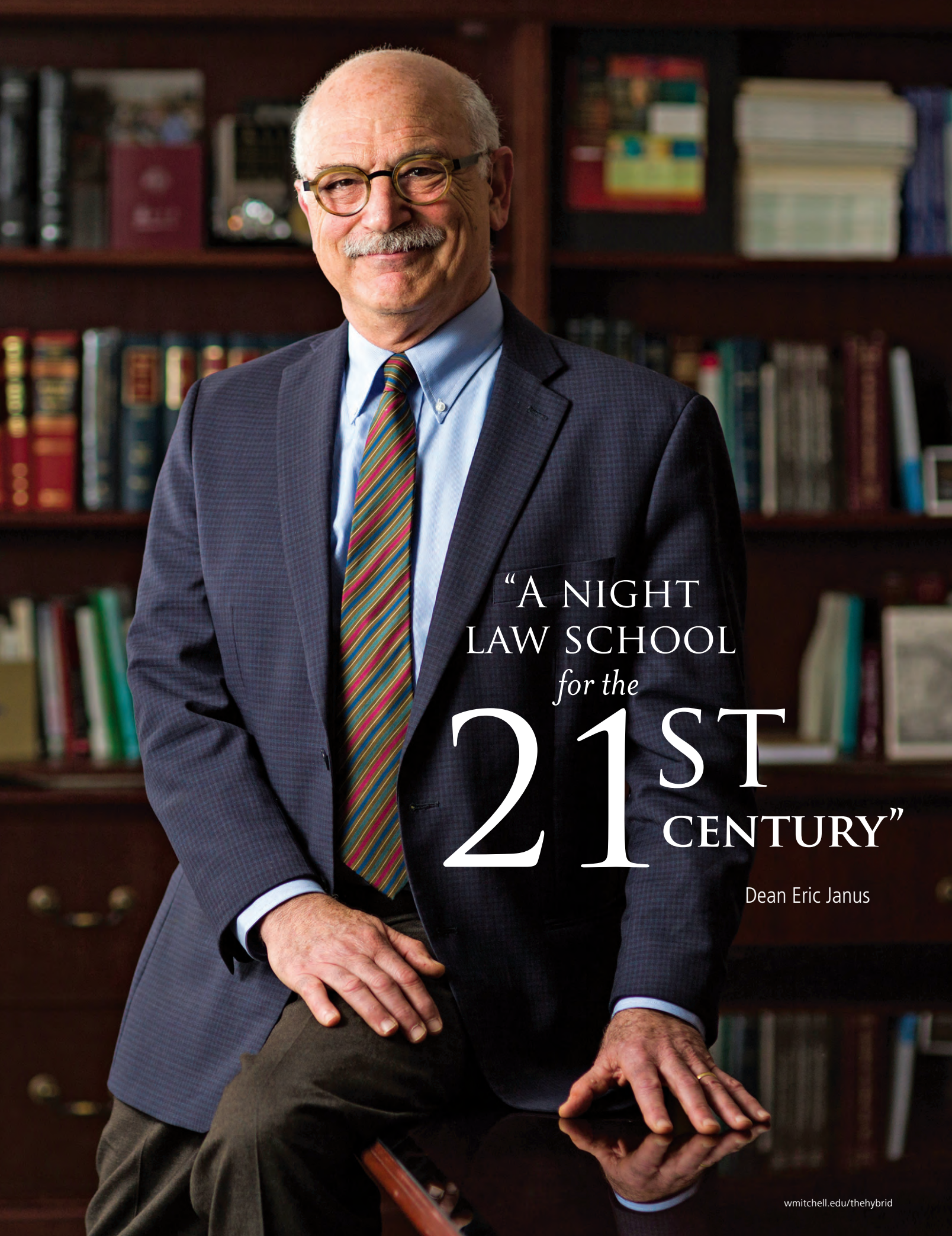
The way students want and need to learn is changing. Traditional classroom instruction, while still the choice for many students, is no longer the only effective way to educate aspiring lawyers. We can now choose from a greatly expanded palette of e-learning pedagogy, increasing access to serve people living in rural parts of the country, those with full-time jobs and families, and those who have grown up in the digital age and are accustomed to learning through technology.

I’m proud to be part of the hybrid option’s development. I’m glad that the ABA has approved it, and so many of our friends and alumni have embraced it. We are creating a “night law school for the 21st century”—one that truly takes us back to our roots, by taking us into the future of higher education.

The response from prospective students has been positive. We’ve received applications from mothers and fathers, bankers and baggage handlers, people with Ph.D.s and M.D.s, and an array of others who, if not for Mitchell’s hybrid enrollment option, would not have the opportunity to pursue their dreams.

The hybrid enrollment option puts Mitchell in the forefront of innovation in American legal education, and it doubles down on our traditional mission of access to rigorous, practical legal education. ■



A portrait of Dean Eric Janus, an older man with a mustache and glasses, wearing a blue suit jacket, light blue shirt, and a colorful striped tie. He is sitting in a library with bookshelves filled with books in the background. The text is overlaid on the right side of the image.

“A NIGHT  
LAW SCHOOL  
*for the*  
21<sup>ST</sup>  
CENTURY”

Dean Eric Janus





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To learn more about William Mitchell's  
hybrid program visit [wmitchell.edu/thehybrid](http://wmitchell.edu/thehybrid)