Law professors' existential online lifeworlds: An hermeneutic phenomenological study

by

Cheryl Myers

B.A., Wichita State University, 1968
J.D., Washburn Law School, 1986

AN ABSTRACT OF A DISSERTATION

submitted in partial fulfillment of the requirements for the degree

DOCTOR OF PHILOSOPHY

Department of Curriculum and Instruction
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Abstract

This phenomenological study hermeneutically explores law professors' felt experiences within online existential lifeworld spheres. Prose, poetry, color images, and virtual journeying provide descriptive and interpretive text suggesting expansion of Gadamer's fusion of horizonal understanding. Law professors who teach asynchronously online selected five color images from **pixabay.com** corresponding with the five universal existential themes: body, space, time, relationships and material things/technology (van Manen, 2014) as catalysts to conversationally explore what it feels like to transition from classroom to online instruction.

Multiple phenomenological, artistic, and scientific theories prismatically amplify and explain the study's design: Gadamer's hermeneutical circle of understanding (1960/2006), Termes six-point spherical perspective (2016), Einstein's closed yet unbounded universe (Egdall, 2014), and Seamon's concept of "at homeness" (2012). Dialogical understanding of Self and Other(s) through Gadamer's call for festival and serious play (1960/2006) is activated: The reader is invited to interact with the study text through visual and auditory web experiences.

Researcher's hermeneutic and existential retelling of the professors' conversations begins to unfold metaphorically around a table within a virtual forest. When researcher's previously bracketed-away prejudice for incorporating synchronous modalities into online learning erupts, professors' longing felt for classroom home actualizes and ultimately emerges as a sixth existential dimension proposed by the

researcher. A culminating journey through virtual desert in search of online home continues the retelling and metaphorically incorporates all six existential themes.

Dramatic changes in researcher's lifeworld view, ways of knowing and being, self view, self action and pedagogical development as a result of conducting the study are summarized. Future research is implicated including exploration of professors' existentially felt experiences while teaching synchronously online and deep-mining professorial empathy toward students.

Factors that impinge on all law professors' transitioning to online instruction contextually anchor the study: 1) Legal pedagogy's evolution from 18th Century professional skills training through the late 19th Century intrusion of legal doctrine instruction, and 20th Century paralegal skills training; 2) The American Bar Association's 21st century mandates for graduating students with both legal skills and legal doctrine training; 3) 21st Century pedagogical Immutables (teaching online, teaching legal job skills, teaching legal doctrine, teaching to standardized tests); and 4) 21st Century Protean Challenges (institution and student demand for technology-based instruction, the Global Legal Services Industry's hierarchical control over legal education and practice, enrollment and tuition crises, multi-cultural limitations, and the pedagogical conundrum of choosing among multiple online design and delivery modalities).

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Dedication

This is for

ELLA FRANZ, musician extraordinaire,

who taught me to play without looking at the keys.

and

MAX VAN MANEN, amazing phenomenologist,

who continues to teach me what it means

to joyfully seek the essence

of multi-dimensional lifeworlds, both virtual and real.

Chapter 1
"[T]he phenomenologist is driven by a pathos to discern the primordial secrets of the living meaning of the human world..."
--Max van Manen (2014, p. 17).

Prologue

Living in the 21st century lawyering world is chaos. In August, 2014, after decades of lobbying by law firms, the judiciary, global business and legal educators, the American Bar Association (ABA) enacted sweeping revisions[1] to its accreditation standards immediately requiring every U.S. law school seeking to maintain or be granted ABA accreditation to teach every one of its J.D. students sufficient lawyering skills for job-ready employment upon day of graduation (ABA 2014-2015 Standards; ABA 2015-2016 Standards). In 2013, the ABA similarly increased emphasis on job-skills training in its amended guidelines for paralegal education programs[2] (ABA Paralegal Guidelines, 2013). The ABA amendments are silent as to how legal educators, most of whom have little or no lawyering experience and thoroughly ensconced in the tradition of teaching legal doctrine for the past 127 years,[3] are to expeditiously embrace this cataclysmic change.

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[1] Subsequent to the ABA amendments, legal educators are now called to teach their students not only to think like a lawyer but also to teach what it means to be a lawyer and what it means to be a paralegal (West, 2014; Ho, 2014). Each of the ABA changes for law schools and paralegal programs will be introduced throughout this Chapter where relevant.

[2] The ABA defines Legal Assistant/Paralegal as:

> …a person, qualified by education, training or work experience who is employed or retained by a lawyer, law office, corporation, governmental agency or other entity and who performs specifically delegated substantive legal work for which a lawyer is responsible (ABA definitions, 2015).

[3] During the past 127 year history of U.S. law schools, law professors have almost exclusively taught legal doctrine, the pedagogy of legal rules, regulations, and black letter law held in a discrete set of appellate cases. Except for the limited number of law students enrolled in legal clinic programs or lucky enough or bright enough to clerk for a judge or a lawyer, law students receive almost no lawyering skills training during their preparation for the juris doctorate degree.

Human dilemmas that utterly shatter the status quo are the stuff of personal existential crises, initiating journeys through hopelessly complicated and seemingly impossible situations. Despite the nullity felt by the self, human freedom continues to struggle on, hoping to existentially transcend chaos (Sartre, 1956). When an educator's long-time sense of personal fulfillment in teaching is disrupted, the erupting existential crisis can be marked by multiple reality shocks: sense of diminished accomplishment, undermined self image and professional self-efficacy, lowering of personal and professional expectations to accommodate the new pedagogic realities, and the need for personal and professional resilience or suffer burnout and ultimate rejection of the teaching profession (Friedman, 2000).

The existential self is increasingly more difficult to find in the 21st Century. This is the age that shies away from "person" to embrace a personified masquerade of intangibles, inanimates and the globally magnified: "Big Law" is dying[4] (Scheiber, 2013). Legal education faces "existential crisis" (p. 10; Caplan, 2012, n.p.). [5] The whole world is inhabited by existentialized things: The globe encounters existential risk from technology.[6] Broadcast networks[7] online apps[8] and TV shows experience existential

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[4]Legal crises are signified by education facilities' business mismanagement, re-defined jobs in the restructured legal marketplace, law schools' inflated graduate employment data, drops in enrollment and matriculation, training legal educators to be legal scholars instead of legal professionals, rising tuition costs, too may graduates glutting the shrinking legal job market, and student clamor for more online learning (West, 2014).

[5] U.S. law schools' existential crises are legion: No jobs for the majority of graduations, declining law office jobs trumped by overseas outsourcing and smart software, high-priced tuition and enormous student loans that may not be paid off during a lifetime of working, decline in students taking law school admission tests and reduced openings for incoming students, trimming staff jobs to cut costs, increased faculty teaching loads, rising faculty salaries, and failure to train lawyers for practice (Caplan, 2012).

[6] Rather than the threat of natural disasters, super volcanoes or asteroids, the world's existential risks link to unchecked global warming, nuclear war, bioterrorism and manipulative technology:

> [G]lobal existential risk… threatens the premature extinction of Earth-originating intelligent life or the permanent and drastic destruction of its potential for desirable future development-- *anthropogenic existential risks…*—that is, arising from human activity… linked to future

angst.[9] Money dips into existential ruin.[10] Corporations wallow in life-cycle

breakdowns.[11] These days, even beer swills itself into existential froth[12] and marijuana

smokes its way toward the top of the crises heap.[13] Even existentialism itself may be

headed for its own existential crisis.[14]

  None of these existentially personified things exist but for the creation and foibles

of mankind. Things are no more and no less than objects of human lived experience.

"[W]e have to make a distinction between the object and our lived experience of the

object" (van Manen, 2014, pp. 62-63). These things are phenomena "we come to know

in the way they appear through our perceptions…we can only make sense of them with

our human cognitive faculties" (p. 80). When Edmund Husserl, father of

phenomenology, made the call "to the things themselves" (*zu den Sachen*), he was not

advocating personification of things but rather urging a reawakened human self to

experience the things of the world (phenomena) through "(re)learning to reflect on our

awareness of experience" (van Manen, 2014, p. 50).

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technology that may expand the manipulation of the external world or human biology (Bostrom, 2013, p.15[italics in original]):

[7]The BBC fears extinction from corporate income falling 15% per year amid attacks by British leaders and politicians (Simpson, 2014).

[8]Twitter's "downbeat outlook" (Huston, 2016). Facebook suffers angst from a lackluster, boring personality (Wortham, 2014).

[9] TV sit-com reruns are existentially drained for lack of viewers (Sharma, 2014).

[10] The euro common currency faces existential extinction via stagnated economic growth in countries sharing the euro and Greece's budget deficits and political upheaval (Wishart, 2016).

[11] Corporations succumb to life-cycle crises from poor global footprint, competitors' strategic outplays, internal technology processing disruptions, and time, success, and leadership foibles (Hammerich & Lewis, 2013).

[12]German beer's existential crisis exponentially increases as global consumption continues steady decline since the late 1970's (Filtz, 2014).

[13]Medicinal marijuana shops vied as top 2013 contenders for existential crises along with football, digital cameras, the entire European continent, IBM, and Santa Claus (Gillette, 2013).

[14] Philosophy may now be existentially "unsuited to expatiate" on "the big questionsof life" (Humphreys, 2016).

Meanings inspired only by remote, inauthentic intuitions…are not enough: we

must go back to the "things themselves". (Husserl, 1982b, p. 252)

"[T]he thing or phenomenon for the researcher is not a personified thing but rather a certain experience, a sensibility" (van Manen, 2014, p. 50). Therefore, this study is in search of law professors' certain experiences viewed through the sensibilities of the phenomenological lens.

Finding the Phenomenon

> ***"Whoever is searching for the human being***
> ***first must find the lantern."***
> *--Nietzsche*

The 4th Century BCE Greek philosopher Diogenes went about the city in broad daylight holding up a lit lantern, peering here and there. When townsfolk asked him what he sought, Diogenes answered: "Even with a lamp in broad daylight I cannot find a real human being." To be a real human being in contemplation of a phenomenon is not to mindlessly or carelessly exist in a personal or professional abstract but to intentionally exercise "practical reflection in the concreteness and fullness of lived life" (van Manen, 1990, p. 5). This dissertation seeks insight into the felt existential experience of four lawyer/educators caught up in the 21st century paradox of online legal education so recently rendered more complex by the ABA revisions. It is a journey upon yet to be known paths, initially bounded by the law's historical precursors and prospectively boundless in anticipation of future pedagogic experience. It is a timely legal quest and a subjective journey of human-being-ness.

The first step into this journey requires orientation to the phenomenon: "[W]hen one orients to a phenomenon one is approaching this experience with a certain interest" (p. 40). The researcher's orientation is simultaneously objective and subjective:

> …[T]he researcher is *oriented* to the object (phenomenon)…in a sense a guardian and a defender of the true nature of the object…aware that one is easily misled, side-tracked, or enchanted by extraneous elements…(and) strong in…orientation to the object of study *in a unique and personal way*—while avoiding the danger of becoming arbitrary, self-indulgent, or getting captivated and carried away by…unreflected preconceptions. (p. 20 [italics in original])

Enter: The Four Pedagogic Immutables. Legal educators who engage in distance learning are subject to four absolute constants I call the **Four Pedagogic Immutables:**

- **Teach Legal Doctrine**
- **Teach Legal Job Skills**
- **Teach to Standardized Tests**
- **Teach Online**

The Four Pedagogic Immutables are subject to five factors I call **The Five Protean Challenges** that interact and react with the Four Pedagogic Immutables.

Enter: The Five Protean Challenges. The Five Protean Challenges are mutable factors in a law professor's world: 1) Demand for technology-driven higher education (HE); 2)The global legal services industry (GLSI) driving legal education and lawyering technology; 3) Enrollment and tuition crises; 4) Legal education's (LE) multi-cultural limitations); and 5) The conundrum of online pedagogic design and delivery.

The Five Protean Challenges are set out and topically referred to throughout this study as:

- **HE Technology-Driven Demand**

- **GLSI Digital Overdrive**

- **Enrollment and Tuition Crises**

- **LE's Multi-Cultural Limitations**

- **Online Design and Delivery Conundrum**

This is a study about four lawyer/educators each focused on taking responsibility for personal and professional actions, (both practical and existential), amid tensions between The Four Immutables and The Five Protean Challenges. One of the lawyer/educators is me. The other three are law professors, my study participants.

The Un-Naming.

"*The precision of naming takes away from the uniqueness of seeing.*"

--Pierre Bonnard[15]

When I wrote the proposal for this study, I harbored the conventional notion that the act of assigning fictitious first names to my participants and generally locating each professor's institution in unnamed facilities somewhere inside eleven states within the central region of the United States would sufficiently protect confidentiality.   Likewise, I initially resolved my safeguards would not focus attention away from the Phenomenon itself.

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[15] Quoted in (Whitfield & Whitfield, 1998).

I was wrong. It is not the singular embrace of professorial or personal identity that drives this study but rather the call to illuminate particularized, existentially felt experience.   As I reiterated the three fictitious names throughout the proposal, I became increasingly uncomfortable. It was an uneasiness born of questions: "How will I sustain my revelation of the phenomenon when I continue to be distracted each time I have to mentally juggle six names: each professor's actual name confounded by each professor's fictitious name?"

I also had to confront a stream of recollections. The professors actual first names and the fictitious first names I assigned them dredged up personal and professional attributes of the long line of attorneys, judges, law professors and a host of other individuals I have known in my life. I had summarily assigned names to make the professors objectively cognizable. In doing so, I had subordinated my mental attention away from the unnamable pathic dimensions of their singular and collective lifeworlds.

Van Manen opines, "In order to explore the living relations we maintain with the world we first need to un-name things" (van Manen, p. 17). Science fiction author Ursula Le Guin's short story, "She Unnames Them" (1985) spins the tale of what importance the act of un-naming can accomplish. In the story, Eve persuades all of the world's creatures named by Adam to relinquish their names. The creatures all ultimately give up their names. Eve is surprised by the ensuing feeling of a new closeness to them, each rendered uniquely visible in their namelessness:

> They seemed far closer than when their names had stood between myself and them like a clear barrier: so close that my fear of them and their fear of me became one and the same fear. (p.27)

My act of removing the professors' actual names, educational institutions and specific geographical locations has made way for a clearer revelation of their online lifeworlds. The un-naming act goes further. It opens a path for me as researcher and you as reader to more completely focus on the idiosyncrasies of a law professor's online lifeworld. Like Eve in Le Guin's story, unencumbered by the distraction of assigned identities, I am free to think and write in words "so slow, as new, as single, and as tentative" (p. 27). Most importantly, the act allows me to invite you as reader to similarly participate free of identities recalled from your life. In coming to this repose of un-naming, I have made way for the extant and the primordial particular to each of the professors' online lifeworlds. Yet, to leave the professors completely unidentified clashes with the human desire to label every living and inanimate thing.

Ultimately, none of us can remain entirely nameless without divestiture of humanness as we know it. Felt responses do not emanate from amorphous beings. I cannot completely mask the existential actors without weakening the phenomenological subject of this study. Thus, a minimal re-naming is necessary. However, the act has the inevitable capacity to divide, compartmentalize and diminish illumination of the experienced lifeworlds. Therefore, I have assigned a single alphabet letter to each of the three professors: "W", "S" and "L". None of the letters bear any similarity to the professors' first or last names.[16] In addition, the unnaming process should not entirely divest W, S, and L of their individual and collective uniqueness as compared to all other law professors. Therefore, Figure 1 provides a composite of the professors' online teaching disciplines. Summatively, the professors teach in eleven online topic areas.

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[16] For consistency, when discussing my conversations with W, S, and L, I refer to myself as "C".

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Individually, the professors teach law online in three different higher education

institutions each separately located within the central region of the United States.
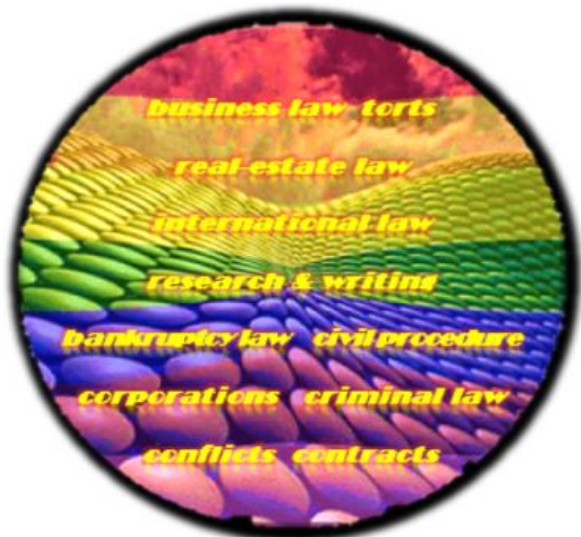
Collectively, the professors have taught law online in excess of thirty years. All of them teach asynchronously. Course interactions include discussion boards, video recorded lectures and/or PowerPoint lectures made available to students on their respective institutions' Learning Management System

Fig. 1. W, S, and L's Online Teaching Areas (LMS). The professors continue to be in various

stages of online transition. All of them experiment with technology modalities beyond

asynchronous applications including live classroom simulcasting, virtual office hours,

and audio chatting. As the fourth lawyer/educator participant, my decades of

experience include practicing lawyer, educator, musician and small business owner.

Introducing the Transitioning Experience. This is a phenomenological study

describing and interpreting conversation transfused by artistic, conversational, and

textual sharing about what it existentially feels like to live within the phenomenon I call

The Transitioning Experience:

The Transitioning Experience. The phenomenon of transition from classroom

teaching where legal doctrine and standardized test content has been

traditionally taught to online teaching where job-readiness skills, legal doctrine

and standardized test content must be taught (The Four Pedagogic Immutables)

and elements of the Five Protean Challenges impinge.

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The study's penultimate motivator is a single open-ended question:

"What does it feel like to live within The Transitioning Experience?"

I seek to deeply mine how it feels for W, S, and L to know The Transitioning Experience world, to "profoundly…*be* in (that) world in a certain way…to become more fully part of it, or better, to *become* (that) world" (p. 5 [italics in original]).

I offer this study as an open-ended journey of intentional, descriptive, and interpretive reflection to give you, my reader, a unique vehicle for personal

"All true meaning resides in the personal relationship to a phenomenon…"
--Christopher Johnson McCandles, (1968-1992)
American Adventurer in Krakauer, 1997, p. 168.

relationship with The Transitioning Experience "from the flow of everyday existence... (and) the unknowing consciousness…noncognitive knowing, that guides…daily doing and acting" (pp. 46-47).

This study is not about a diagnosis or cure for the current state of U.S. legal education or the GLSI. However, for perceptive conversation about The Transitioning Experience to begin, juxtapositioning the professors' and my world to legal pedagogy's historical origins, mandatory ABA revisions, and the current upheaval in legal education provides a foundational point upon which meaning within The Transitioning Experience may be revealed. Max van Manen (1990) explains:

> The distinctive approach of phenomenology is that it not only develops conversational and argumentative understandings, it also and even primarily aims to "show" how meaning reveals itself (p. 48). Phenomenology differs from almost every other social and human science in that it attempts to gain insightful

descriptions of the way we experience the world prereflectively, largely without

taxonomizing, classifying, codifying, or abstracting it. So phenomenology does

not offer us the possibility of effective theory with which we can now explain

and/or control the world; rather, it offers us the possibility of plausible insights

that bring us in more direct contact with the world. (p. 56)

This then, forecasts the opportunity for a personal relationship with the Phenomenon.

Further discussion in this Chapter is organized into the following sections: (1) overview

of the issues. (2) meaning statement, (3) purpose of the study, (4) methodological

description (5) significance of the study, (6) limitations of the study, and (7) definition of

terms.

Overview of the Issues

Thomas Carlyle, 19th Century philosopher and teacher, remarked, "In every

phenomenon the beginning remains the most notable moment" (Carlyle & Tennyson,

1984, p. 120). To begin at the beginning of the Transitioning Experience means to start

with the historical background for the American Bar Association (ABA) revisions in 2014

and 2013.

Three American lawyers, each spurred by his own existential wonderings, denote

U.S. milestones in legal learning and, in turn, continue to shape the GLSI: George

Wythe (1726-1806), first American law professor and founder of formalized skills-based

training for law students; Christopher Columbus Langdell (1826-1906), first Harvard Law

School Dean and abolisher of skills-based training for law students; and H. Lee Turner

(1927-2002), Kansas lawyer and founder of skills-based paralegalism. Exercising

existential and innovational responsibility, each of these lawyers introduced enduring

instructional protocols that mark significant eras in legal education. The ABA mandates in 2014 for law schools and in 2013 for paralegal programs portend a technology-enhanced full circle return to the skills-based training hallmarked by Wythe's 18th century pedagogy (Sonsteng, 2007). To understand something of what Wythe, Langdell and Turner experienced in their struggles against traditional education of their day opens a gateway to conversations about law professors' experiences felt while negotiating the rigors of 21st Century legal instruction.

U.S. law schools harden students to think like a lawyer through Langdell's more than 100 year-old doctrine-only instructional protocols. The despair-filled experience can sink students into hopeless depths. Nathan A. Scott, Jr. (1969), a leading interpreter of existentialist literature, writes about being hopelessly "shipwrecked":

> Among the things I've come to appreciate over time is what the existentialists meant in saying that we do not begin to discover what it means to be human until we are brought up short… [I]t is only when we know what it means to be "shipwrecked," it is only when we have felt the sting of some radical failure, of blighted hopes and foundered purposes, of some misfortune that is sheer, unmitigated woe--it is only then that we begin, in any deep way, to appreciate our human finitude, how frail and unsheltered and vulnerable we are before the vicissitudes of life. And to be without any experience of extremity is to lack a certain necessary equipment (of wisdom and maturity) apart from which no really authentic life can be achieved. (p. 22)

Students in every U.S. law school endure the personal shipwreck of legal pedagogy: Langdell's doctrine-only paradigm. Students read and analyze appellate

cases before experiencing an in-class Socratic dialogue. One student at a time is questioned in the "hot-box". Other than the classroom grilling, there is usually no formative feedback during the semester. The course culminates with a single summative test. No matter how many hours of study, with the opening of the exam booklet, like Socrates, the law student may mentally cry in silent anguish: "I know that I know nothing." In addition to enduring legal pedagogy's tribulations, law students and paralegal students must pass standardized tests to gain credentials to work in the legal industry. Law professors have faithfully "taught to the tests". ABA revisions and dramatic upheavals in the GLSI obliterate these time-endowed parameters.

Now, each law professor must create, affirm and live a new instructional paradigm carved out of bits and pieces of legal pedagogy, post-secondary teaching paradigms outside of legal education, and innovational protocols individually devised. Risk-taking and objective and subjective search for instructional meaning are normative and choice-laden. Sartre (1965) sees the consequences of this kind of responsibility as both bane and blessing:

> …[I]t is impossible for man to transcend human subjectivity…When we say that man chooses his own self…we…mean by that that in making this choice he also chooses (for) all men…[T]he man who involves himself and who realizes that he is not only the person he chooses to be, but also a lawmaker who is, at the same time, choosing all mankind as well as himself, can not help escape the feeling of his total and deep responsibility. (pp. 37-38)

HE facilities and their faculty that offer online legal courses risk further consequences: 1) whether and how to teach law online; 2) whether to elect to do so and potentially forego ABA accreditation (law schools) or ABA approval (paralegal schools); and 3) what to teach and how to teach both job-readiness skills and legal doctrine online.

The Four Pedagogic Immutables define 21st Century legal education. Their origins, evolutions and permutations demonstrate why they currently pattern legal education. The ABA's 21st Century mandates call for a technology-enhanced merger of Wythe's legal apprenticeship and Turner's paralegal apprenticeship, all the while retaining the stringency of the modernized version of Langdell's doctrine-only, Socratic dialogue method. Wythe, Langdell, and Turner enjoyed the freedom of pedagogic choice: Wythe included legal skills training in law school education, eschewing the traditional practice of lawyers training apprentices in-house. Langdell dialogued with law students about legal doctrine as opposed to lecturing. Turner founded paralegalism, the legal apprenticeship of lay persons.[17] Each has made lasting foundational contributions to the Four Pedagogic Immutables.

The First Pedagogic Immutable: Teach legal job skills. The ABA mandates job-readiness upon graduation. The ABA directive is not a call to innovational pedagogy. Rather, it is an invocation to revive instructional methods and practices established at the very beginnings of this nation.

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[17] Turner advocated a return to legal apprenticeship, promoting intensive training of law office staff to perform lawyer duties with the exception of court appearances and client counseling. Turner viewed his fully trained law office personnel not as merely lawyers' scrivener assistants but as professionals in their own right.

George Wythe: America's first law professor. There were no law schools in Colonial America. Wealthy young men traveled to London to study at the Inns of Court. The less-moneyed apprenticed with a practicing lawyer on colonial soil. An 18th century legal apprentice expected little exposure to practical courtroom skills and was often confined to the office, hand-copying legal documents to be filed with the court (Douglas, 2010). Scrivener-bound apprenticeship proliferated until America's first law school opened in the latter half of the 18th century. George Wythe, distinguished Williamsburg attorney, cultivated the individuality and legal skills of his apprentices through a radically different approach to legal instruction (Brown, 1981).

Wythe began with only one student: Thomas Jefferson. In 1762, Jefferson, a recent William and Mary College[18] graduate, began an apprenticeship in Wythe's law firm. During the next five years, Wythe equipped Jefferson to not only think like a lawyer but also understand the meaning of being a lawyer (Douglas, 2010). Wythe's pedagogy was eclectic, fusing instruction in legal doctrine, legal practice, and multiple disciplines outside of law.[19] In turn, Jefferson similarly motivated novice law students (Cohen & Jefferson, 1971). In an 1814 letter to his friend and fellow lawyer, General John Minor, Jefferson recounts his advice to a young student, foreshadowing the ABA's current practice-ready mandates:[20]

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[18] William and Mary College, chartered in 1693, claims to be the first college in the colonies to include a law school (Douglas, 2010).

[19] A revolutionary, Mayor of Williamsburg, Virginia, and signer of the Declaration of Independence, "Wythe's real love was teaching" (U.S. Archives, 2015, n.p.). His expansive view of what it means to be a lawyer embodied "existential" educational aims "grounded in the notion that the students and their unique possibilities are paramount to the task of teaching…(where) world and ideas are not given…(and) they are not indelibly etched-in-stone" (Magrini, 2012, n.p.). Wythe encouraging Jefferson to read contemporary legal texts, regularly attend court to watch lawyers in action, go beyond rote learning of legal rules and procedures, and study the theory of ancient and modern government, history, moral philosophy and ethics (Douglas, 2010).

…[S]uit your arguments to the audience before whom it is supposed to be spoken…This is your last and most important exercise. No trouble should therefore be spared. If you have any person in your neighborhood engaged in the same study, take each of you different sides of the same cause, and prepare pleadings according to the custom of the bar; where the pl. (plaintiff) opens, the def. (defendant) answers, and the pl. replies—it could further be of great service to pronounce your orations (having before you only short notes to assist the memory) in the presence of some person who may be considered as your judge. (p. 823)
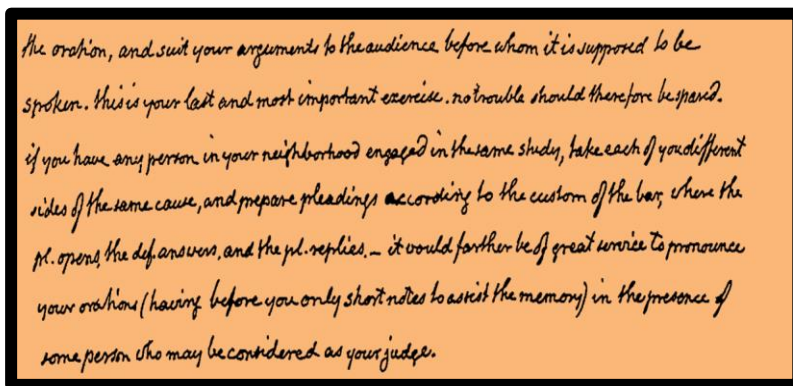
Fig. 2.   Jefferson's admonition to practice legal argument.

In 1779, officials of William and Mary College including Jefferson appointed Wythe to fill the first chair of law in a U.S. higher learning institution (U.S. Archives, 2015). Wythe continued his cross-disciplinary approach, engaging his students in English common law, the works of contemporary political theorists, and classical writers such as Horace and Virgil (Douglas, 2010). He advocated experiential learning, requiring student participation in moot court proceedings and mock legislative assemblies (Brown, 1981) where students

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[20]Along with legal studies, Jefferson recommended concurrent pursuit of physics, ethics, religion, natural law, Belles lettres (i.e. the poets, particularly Shakespeare), criticism, agriculture, chemistry, anatomy, zoology, botany, politics, history, rhetoric and oratory (Cohen & Jefferson, 1971).

debated bills pending in the Virginia General Assembly (Douglas, 2010). [21]

At the time, Wythe's teaching practices were revolutionary. William Penn, Thomas Paine, Robert Owen, and John Adams, who would all become radical statesmen, followed Thomas Jefferson as Wythe's earliest students (Jackson, 2005, p. 149; Arendt, 1963). Wythe and his students were early American existentialists searching to implement that "norm of *authenticity"… necessary to grasp human existence"* (Zalta, 2010, n.p.). For nearly 100 years, legal education in the U.S. followed Wythe's methods, combining formal studies in legal doctrine, theory and practice-based apprenticeships.

The Second Pedagogic Immutable: Teach legal doctrine. Over 100 years ago, Christopher Columbus Langdell abolished Wythe's professional and practical skills pedagogy. The ABA now mandates instruction in professional, practical, and technical skills as well as legal doctrine.

Christopher Columbus Langdell's doctrine-only revolution. In 1878, Christopher Columbus Langdell, Harvard Law School's first dean, revolutionized legal instruction and "warp(ed) the course of law training in the United States" (Hurst, 1950, p. 261). In sharp contrast to Wythe's focused one-on-one mentoring and legal doctrine instruction infused with practice-based apprenticeships, Langdell spurred a "revolution…in the mode of teaching and studying law" (Ames (1906, p. 13). Influenced by the prevailing inductive empiricism of the late 1800's, Langdell employed appellate

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[21]In 1780, Jefferson wrote James Madison about Wythe's pedagogy:

> Our new institution at the College has had a success which has gained it universal applause. They hold weekly courts and assemblies in the capitol. The professors join in it; and the young men dispute with elegance, method, and learning (Douglas, 2010, p. 51).

cases in the way scientists employed specimens.

Langdell's dominant paradigm promoted legal reasoning methods conspicuously devoid of influence by feelings, moral considerations, or practical application (Boghasian, 2005). In 1871, Langdell published a contracts casebook containing a few appellate court decisions premised on the notion that even though state laws vary, if a law professor taught students how to understand a few core legal theories and principles found in a few appellate court decisions, upon graduation, the fledgling lawyers should be able to practice law anywhere (Garvin, 2003). By applying Socrate's ancient method of one-on-one dialogue to appellate law cases, Langdell left legal skills instruction to lawyers hiring new law school graduates.[22]

Langdell's innovational departure from teaching professional and practical skills "initially met with enormous resistance. Many students were outraged" (Garvin, 2003). Langdell's paradigm was pedantic and ill-received. He asked students to relate the facts of an appellate case, how the litigation developed, points at issue, the court's decision and the court's reasoning. Subsequent questioning solicited the students'

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[22] In the casebook preface, Langdell justified the scientific method of studying a series of cases on contracts law:

> Law, considered as a science, consists of certain principles or doctrines. To have such a mastery of these as to be able to apply them with constant facility and certainty to the ever-tangled skein of human affairs, is what constitutes a true lawyer (Langdell, 1871, p. vi).

In his address to the Harvard Law School Association 15 years after first introducing the Socratic case book method, Langdell continued to justify his doctrine-only pedagogy:

> If it (law) be a science, it will scarcely be disputed that it is one of the greatest and most difficult of sciences, and that it needs all the light that the most enlightened seat of learning can throw upon it. Again, law can be learned and taught in a university by means of printed books…if printed books are the ultimate sources of all legal knowledge; if every student who would obtain any mastery of law as a science must resort to these ultimate sources, and if the only assistance which it is possible for the learner to receive is such as can be afforded by teachers who have travelled the same road before him—then a university, and a university alone, can furnish every possible facility for teaching and learning law" (Warren, 1908, p. 384).

opinions and reactions to the cases. Finally, Langdell inquired whether the appellate case under consideration followed prior legal precedents or was inconsistent or distinguishable (Sutherland, 1967).   Harvard law student Franklin G. Fessenden (1920), present in Langdell's first contract course, observed:

> The subject was Contracts…Langdell began…by questioning students about the case of *Payne v. Cave*. After the preliminary inquiries as to the facts, arguments and opinions had been made, further questions were put to draw out the views of the students as to the arguments, and opinions. At first it was almost impossible to get much expression: for it was evident that very few had studied the case critically, and no thought of forming any judgement of their own…the answerers for the most part said that they were not prepared..By far the greater number openly condemned the new way. They said there was no instruction or imparting of rules, that really nothing had been learned…They thought it absurd to undertake to give their thoughts about a subject of which they knew nothing…here was an entire absence of anything but a seeking of expressions of opinion from youths who were ignorant of what they talked about; that no rule or suggestion of any rule of law had been hinted at..that certainly it was no way to learn law, for the law was not in the idle talk of these young boys; that Langdell acted as if he did not know any law. (pp. 498-499)

Langdell asked students questions. Students gave answers and dared not ask Langdell questions. As Fessenden (1920) related, one day, the class violently erupted when a student broke protocol, bombarding Langdell with inquiries:

…[O]ne of the students succeeded in eliciting an immediate answer to a question. After receiving the answer he put several more questions with …skill… Langdell was routed. There was violent applause from the greater part of the class. Dust arose in considerable quantities from the settee cushions, which were vigorously used in the demonstration. This occurred at the last of the hour. At the end there was much excitement and expressions of sentiment among the students who had applauded, who said that Langdell had been caught like a small boy—that no law could be learned in such a course and from such a man, who plainly did not know the law. (p. 501)

After the outburst, most of the students stopped attending Langdell's contracts class (Sutherland, 1967). The student upheaval came on the heels of Harvard faculty's reaction with "sorrow and dismay" to the announcement of Langdell's appointment as Dean, marking the first time Harvard Law School "choose as Professor, a young man of no legal reputation, a man of no national fame, and a lawyer who had had substantially no court practice" (Warren, 1908, p. 360).[23] Concerns about Langdell's casebook method escalated when students began dropping out.[24] However, with the support of

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[23]Langdell was unknown to the Boston bar, and opinions about the quality of Langdell's lawyering differed (Fessenden,1920; Brandeis,1889). Langdell's lawyering experience was confined to preparing opinions, briefs, and pleadings for other lawyers (Hurst, 1950). Langdell replaced Theophilus Parsons, who had twenty years experience as a prominent member of the Boston bar before becoming a Harvard law professor (Brandeis, 1889). In a speech before the Harvard Law School Association in 1887, Langdell lambasted the hiring of seasoned lawyers to teach the law and praised legal book learning:

> [T]o teach law…(is) not experience in the work of a lawyer's office, not experience in dealing with men, not experience in the trial or argument of causes, not experience, in short, in using law, but experience in learning law (and) every student who would obtain any mastery of law as a science must resort to…printed books..the ultimate sources of all legal knowledge" (Langdell, 1887b, p. 124)

[24]In 1872, so many students dropped out of Harvard Law School, Boston University Law School opened as an alternative to Langdell's case method (Taub, 2013) leading to Harvard Law School's perilously low enrollment in 1872-1873 (Taub, 2013). During the first three years of Langdell's deanship, Harvard Law School enrollment was as low as in 1851-52 (Fessenden, 1920).

Harvard's administration, other Harvard law professors began to employ Langdell's techniques. By 1920, Langdell's Socratic casebook method prevailed at nearly all university law schools in the United States and subsequently proliferated throughout the rest of the globe (Kimball, 2004).

Ironically, within less than 10 years of introducing it, Langdell abandoned his method in his own teaching. By 1880, Langdell was facing the most devastating existential crisis in his life.—He was going blind.[25] Joseph H. Beale, Jr. (1906), who matriculated from Harvard Law School in 1884, went on to become a Harvard law professor and the first Dean of the University of Chicago Law School, related his student observations of the impact of impending blindness upon Langdell:

> [A]s a result of his failing sight, he never used the Socratic method in his teaching. He simply talked, slowly and quietly, stating, explaining, enforcing, and reinforcing the principles which he found in the case under discussion (p. 9)…his law sometimes seemed too academic, and many of his students said…it was not law…His manner of treating the subjects he taught was unimpassioned and coldly logical, and his intellectual deliberation seemed medieval. (p. 10)

Langdell tenaciously met this last existential crises head on, continuing to teach until his retirement in 1900, almost 30 years after he began.[26]

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[25]As a child, Langdell had endured the death of his mother and brothers, poverty during preparatory training at Exeter and Harvard, and the rampant derision toward his academic reforms (Kimball, 2004).
[26]Harvard President Eliot recalled:

> A striking characteristic of Professor Langdell was courage...illustrated by his going about alone on foot by day and by night in the streets of Cambridge, when he could hardly see anything, especially in the glare of bright sunshine. His daily walks between Austin Hall and his house were terrifying to onlookers, particularly after the advent of the automobile....Then he had to trust that the chauffeurs would see that a blind man was crossing the broad street. For several years he was quite unable to go alone on an unfamiliar path (Eliot, 1920, P. 525).

Existential madness in the method. By the beginning of the 20th century most U.S. law schools had adopted Langdell's Socratic case method (Kimball, 2004). Since then, permutations of Langdell's pedagogy have come to elicit existential angst, dread, and terror in the minds and hearts of first year law students.[27] The opening scene in the classic 1973 movie, *The Paper Chase,* depicts a 20th century first year Harvard law student's initial exposure to the modern Langdellian technique. The first day of class **dialogue** between Professor Kingsfield and student Hart brings Socrates' exclamation: "I know that I know nothing" squarely into the classroom.

Yet, the angst is not entirely the students'. Conscientious law professors not only meticulously brief the cases they teach but also struggle to formulate probing questions they hope will ignite the class atmosphere, keep the Socratic dialogue afloat, and conjure suitable hypotheticals that change case facts and issues in ways that invoke deeper understanding. In spite of the preparatory effort and a facile line of questioning, when class closes, the professor may still sense students' puzzlement, uncertainty, and irritation (Garvin, 2003).

From cosmic despair to mutual discovery. Despite legal educators' blanket use of Langdell's method, Lesnick (1992) criticizes legal pedagogy's utilitarian, narrow focus:

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[27] Modernized Langdellian methods evoke fear and dread through persistent "hot-boxing" of a single student. To begin, the law professor invites the student to cogently summarize an actual (though often archaic) case in the assigned readings. The level of accuracy and thoroughness of the student's summarization is irrelevant. Even if a student's initial response is astute, the professor is still likely to grill on overlooked details and unresolved issues. The dialogue then often refocuses on a hypothetical case the professor extrapolates by manipulating the original case facts. The student is asked to summarize the "new" case. The professor intensifies the grilling. If so inclined, the professor then alters the case facts through additional iterations, holding the student captive *ad infinitum* or at least until the class period ends. (The Princeton Review, 2014). While astute questioning can sharpen both the dialoging student's and the non-participating students' critical reasoning skills, the process is decidedly adversarial and may ruthlessly target and humiliate an unprepared student (Hlinak, 2014).

[W]hile losing sight of the deeper value of knowledge…as a means to greater understanding of the world and of oneself..(legal pedagogy) tends to render 'off limits' a teacher's motivation to engage more than the analytic or argumentative powers of his or her students (and) delegitimates the authentic experience and motivation of many teachers. (p. 1096)

During his third year at Harvard Law School, John Jay Osborn, Jr. wrote *The Paper Chase,* a student viewpoint on Langdell's casebook method. After graduation, Osborn practiced law and taught law, retiring in 2010. In the Preface to the 40 year anniversary edition of *The Paper Chase*, Osborn (2011) poignantly describes his personal and academic choice to adapt the modern Langdellian method to enable rather than coerce student response:

Law school can be a transformative, transcendental experience, but the student has to make it so; the Professor can't…In the first class…I try to convince my students that the class is theirs, not mine, that they have the power to mold it as they wish. I step in front of the lectern, put my hands together as if I am praying, and look directly in a student's eyes…I gather eyeballs, one student after another. I say nothing, just look into eyes…

I explain that I'm not going to call on anyone. They will have to volunteer if they want to talk…I am…giving them permission to take control of the class…I see that everyone is leaning forward in their seat…I ask: "Would anyone like to tell us the facts of Hawkins versus McGee?"

Ten hands go up. Always. Without fail…a few in the large middle of the class where Hart used to sit…I look into the eyes of the few…trying to find

someone with earnest, honest eyes, without a hidden agenda, without anything to prove. I try to pick someone who wants the class to be a transcendental experience, right now, *this instant*"… (n.p. [italics in original]).

Osborn has elected to transform what can otherwise be, for both law professor and student alike, a miserably wounding classroom exercise. It has taken the ABA over 130 years to determine that Langdell's method of "doctrine-only" instruction does not graduate practice-ready attorneys. Legal pedagogy is likewise a bane to law professors: It constitutes "an act of cosmic despair…seldom acknowledged and almost never confronted squarely, that accounts for a significant portion of the weariness and cynicism that too often afflict" legal educators (Lesnick, 1992, pp. 1096-1097).

Moreover, exclusively teaching only legal doctrine distances students from practical problem solving (Duhaime, 2012). H. Lee Turner, the third in the line of U.S. legal education's innovators, returned practical problem-solving to legal education, introduced innovative professional, practical and technical skills training, and ultimately, globally changed the working world for all law office personnel.

H. Lee Turner and his astounding paralegal apprentices. The world-wide history of lawyers dates to the 1st Century C.E. when the Roman Emperor Claudius legalized legal advocacy (Suetonius & Grant, 1957). The world-wide history of paralegals dates back less than six decades ago. Langdellian legal pedagogy had long before obfuscated the notion of legal apprenticeship as a teaching modality other than in law clinic courses. Then, in the 1960's, small town, western Kansas lawyer, Lee Turner envisioned a new kind of legal apprenticeship: the paralegal,[28] heralded at the

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[28] Turner attributed the creation of the term "paralegal" to his wife, Betsy (Turner,1969).

time as "certain to astound" (Hunt, Jr., 1969, p. 982). For Turner, paralegalism was born out of existential necessity. At the time, Turner was enjoying increased revenue from a rapidly growing trial practice. Yet, more income meant more clients and more personal burden. Turner felt an energy drain from spending too many hours personally performing repetitive administrative and scrivener tasks to the detriment of fully exercising his court room trial skills (Hunt, Jr., 1969). In a presentation before the 64th Annual Meeting of the Mississippi Bar Association, Turner (1969) explained the legal profession's "torn to pieces-hood" that spurred him to develop the paralegal concept and urged the legal industry to educate and employ paralegals:

> [T]he legal profession is under attack…The pace becomes frenetic as an avalanche of information and knowledge thunders down the mountainside of human achievement. As the practicing lawyer attempts to cope with the demands of the client, the information explosion, and the large elements of wasted time due to the working of a tortoise-paced judicial system, he begins to develop the symptoms..William James described…as "Zerrissenheit," which, translated literally, means torn to pieces-hood. (pp. 474-475)
>
> …[T]he principle is followed that no lawyer performs work that can be handled by a person less skilled than himself. This refers to other lawyers. The same system applies to para-legal personnel. (p. 483)

In 1970, Turner[29] introduced his paralegal concept to 500 lawyers attending a national conference on law office management in New York City. Turner described how

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[29]Often referred to as the "Dean of Kansas Trial Lawyers", Turner tried more than 1,700 cases before juries, and in addition to founding the paralegal profession, founded the American Law Firm Association (ALFA), was a founding member of the ABA's Section of Economic of Law Practice and the Kansas Defense Lawyers Association, the first Chairman of the ABA's Special Committee on Legal Assistants,

his already profitable two-lawyer firm in Kansas had delegated legal tasks to 28 non-lawyer assistants (paralegals) (Brill, 2012/2016). Turner apprenticed primarily college graduate women who, well-established in family life, were eager for a career outside the home.[30] After in-house training, Turner's paralegal apprentices performed all lawyer functions except client counseling, appearing in court, and appearing in administrative proceedings (Brill, 2012/2016). Now, over forty-five years after Turner founded paralegalism, a google of the word **"paralegal"** brings up about 46,600,000 results, **"paralegal books"** brings up about 754,000 results, and **"paralegalism"** brings up about 94,700 results.

As Turner taught other lawyers to employ his paralegal office-management system (1969), he foresaw both cybernetics[31] and technology foundationally essential for prudent law office management at a time when cyberspace was less than embryonic and legal education technology was non-existent:

> Cybernetics…stems from the Greek and simply means steerman. In
>
> contemporary application it refers to a servo-mechanism whereby machines and
>
> computers are endowed with a sense of purpose for the control of other
>
> machines…Technically feasible now is the routine computer availability of all
>
> legal precedence bearing on any particular question. (p. 475)

and served for more than 13 years as a faculty member of the National Trial Advocacy Institute of Continuing Legal Education (BARTonline.org, 2012; Brill, 2012/2016).

[30]I was one of those college graduate women. From 1982 to 1986, I worked first as a paralegal and then as a law clerk in H. Lee Turner's law firm, learning the practice of law, law office management, and case management through participation in the firm's daily practices and applying the methods in the firm's extensive paralegal procedure manuals.

[31]Cybernetics is the study of animate beings and some machines' ability to sense information about their behavior, react to the information using continuous feedback, and then apply the feedback to future behavior (Jarva, 2014). In 1989, Norbert Wiener's cybernetics theory recognized choice as a possible control of human behavior and early computer technology that he called "newer communication machines" (Wiener, 1989). Current self-determined learning (heutagogy) and double-loop learning theories discussed in Chapter Two are cybernetics' progeny (Hase & Kenyon, 2007; Argyris & Schön, 1996/2000).

In his address to the United States Army's Judge Advocate General's Conference in Charlottesville, Virginia, Turner (1971) described how fostering goal-seeking behavior in his trained paralegals created a synergistic, feedback-looping office management system:[32]

(Paralegals) absolutely transform the practice of law. Check lists and procedures—they'll begin to develop their own check lists and procedures. They'll make suggestions that you never thought of. Once you develop a specialty and train a (paralegal) in that specialty her first order of business is to develop a backup specialist so that if she leaves, someone else moves immediately into the slot, and the first order of business for the new person in the slot is to train their backup. You build redundance into the system, and that way it carries on year in and year out.

[T]remendous volume is handled through the use of these people. They'll hand me that briefcase the day before trial and I know the witnesses that I want will be there at the appropriate time. Everything will be in order. There won't be any gap. The case will be prepared for trial. I've been through it, reviewed it, and

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[32] Echoing Langdell's adherence to scientific methods, Turner embraced the synergistic elements of cybernetics to fine-tune a law office system that merged best management practices with best job-skill instructive practices. Turner's paralegal office management protocols meet the preconditions of a cybernetic behavioral system through 1) internal goal-seeking behavior (lessening the burden of repetitive lawyer duties for the two attorneys in his law firm with the goal to free them to take on more clients); 2) intentional teleology [final causation] (increasing the firm's revenue) (paralegals meeting the goals of performing most lawyer functions except court appearances and client counseling and increase of the firm's revenue); 3) implemented by control mechanisms using feedback to sense and control system behavior (trained paralegals in specialties who then trained back-up paralegals in their specialty to create a continuous organizational loop capable of handling high-volume caseload); and 4) openness to outside influences (implementing technological resources to increase the goal-setting behaviors) (Rosenblueth, Wiender, & Bigelow,1943; Turner,1969; Turner,1971).

I …spend maybe half a day reviewing all the material in the file if it's a big case.

(pp. 11-12)

Turner set in motion an entirely new mode of legal apprenticeship as a result of

exercising a business strategy generated by a personal existential need to lessen his

burden of handling both trial demands and paperwork demands. As a result, the formal

training of paralegals in universities, community colleges and independent paralegal

training centers has exploded world-wide, supplying law firms with job-ready graduates

and cost-cutting strategies.[33]

Wythe, Langdell and Turner each envisioned and implemented singular goals to

fulfill personal existential needs. Each lawyer/educator initially realized his own

personal and professional objectives that affected only his own limited number of

students, apprentices or employees. Now, legal apprenticeship, (either taught in law

offices or in formal paralegal training programs), and the casebook method have

aggregate influence on tens of thousands of legal education students and their

prospects for employment worldwide. In the face of personal existential crises, Wythe,

Langdell and Turner each embraced novel ideas that transcended criticism and

traditional legal notions. W, S, L, and I as well as readers of this study stand to

experience how it existentially feels to be at the vertex for change in legal education.

The Third Immutable, standardized performance tests, complicates the experience.

The Third Immutable: Teach to standardized performance tests.

Standardized tests provide the gateways to bar and paralegal certifications. While the

ABA 2013 and 2014-2015 reforms and the availability of online teaching venues portend

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[33]According to the U.S. Bureau of Labor Statistics, in 2012, a law firm could expect, on average, to pay less than half as much salary for a paralegal (median pay $46,990) than a lawyer (median pay $113,530) (Bureau of Labor Statistics, 2015).

dynamic change in how and what is taught in U.S. legal education, standardized competency tests for both prospective lawyers and paralegals have not evolved for decades.

Standardized tests for U.S. law school graduates. Every U.S. jurisdiction except Louisiana and Puerto Rico administers the Multistate Bar Examination (NCBE)[34] to bar candidates (2015a). Twenty-seven states as well as the District of Columbia, Guam and Palau administer the Multistate Essay Examination[35] (MEE) (NCBE, 2015c). Subsequent to the ABA 2014-2015 mandates for law graduate proficiency in both legal doctrine and legal skills, the National Conference of Bar Examiners (NCBE) has yet to announce how, if at all, its pre-reform standardized tests harmonize with the ABA changes. Two NCBE initiatives pre-dating the ABA 2014-2015 mandates provide a modicum of correlation.—The NCBE 1997 Multistate Performance Examination (MPT) and the NCBE Job Analysis Survey (Case, 2013).

The Multistate Performance Test. Since 1997, the NCBE has provided state jurisdictions with the Multistate Performance Test (MPT) as the only available part of the bar examination that comprehensively tests lawyering skills. More than 75% of U.S. jurisdictions (thirty-nine states and the District of Columbia and Guam) administer the MPT.[36] Fifteen states administer the MPT as a component of the Uniform Bar

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[34] The MBE is a 200 question multiple choice test covering the substantive areas of Civil Procedure, Constitutional Law, Contracts, Criminal Law and Procedure, Evidence, Real Property, and Torts (NCBE, 2015a).

[35] The MEE tests ability to identify relevant legal issues in hypothetical factual situations, present a reasoned analysis, demonstrate understanding of issues and fundamental legal principles relevant to the probable solution raised by the facts in substantive law school courses (NCBE, 2015c

[36] Thirteen states do not administer the MPT: Florida, South Carolina, North Carolina, Virginia, New Jersey, Kansas, Kentucky, Michigan, Connecticut, Maine, Oklahoma, Louisiana and California (NCBE, 2015b).

Examination (UBE).[37] Other states include the MPT as a component of the Multistate Bar Exam (MBE).[38]

The MPT requires test-takers to engage in problem-solving, legal analysis and reasoning, factual analysis, communication skills, organization and management of legal tasks, and recognizing and resolving ethical dilemmas[39] (Bratman, 2015). Yet, despite inclusion in the overwhelming majority of jurisdictions, the MPT affords limited impetus for law schools to actually focus on teaching lawyering skills. Whether part of the UBE or the MBE, the MPT is weighted at only 20% of the overall bar examination score (NCBE, 2015b). The MPT's testing criteria has not changed since its inception 18 years ago (Minnich, 1997; NCBE, 2015b).

The NCBE Job Analysis Survey. In 2011 and 2012, the NCBE conducted its Job Analysis Survey (JAS) of graduates to ascertain what job skills newly licensed lawyers perform. Survey respondents had recently begun practice in civil litigation, administrative law, business organizations, or criminal law. The responding lawyers ranked civil procedure rules and other state and court rules of procedure, Rules of Professional Responsibility and ethical obligations, as the most important knowledge domains (Case, 2013). Survey respondents also pinpointed the importance of skill-sets testing: 90% to 100% of those responding acknowledged regular use of lawyering

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[37] The UBE is composed of the Multistate Essay Examination (MEE), two Multistate Performance Test (MPT) tasks, and the Multistate Bar Examination (MBE) (NCBE, 2015a).

[38] All but two U.S. jurisdictions (Louisiana and Puerto Rico) administer the MBE, a 200 question multiple choice test covering the substantive areas of Civil Procedure, Constitutional Law, Contracts, Criminal Law and Procedure, Evidence, Real Property, and Torts (NCBE, 2015a).

[39] The MPT examiner acts as a senior attorney or judge and the examinee acts as a junior attorney or law clerk instructed to write a specific document regarding the legal issues arising from a presented scenario (e.g. a case memo, client letter, brief, statement of facts, contract provision, a will, counseling plan, a settlement or agreement, a discovery plan, witness examination plan, or closing argument (Gunderson, 2007).

skills.[40] Ninety-six percent of the respondents rated the skill of fact gathering and evaluating as a very significant part of their practice (Case, 2013). The MPT does not test fact gathering skills. Instead, it provides pre-digested facts for analysis (Bratman, 2015).

   Standardized tests for paralegal students.   The ABA provides guidelines for its approval of paralegal programs[41] (ABA Paralegal Guidelines, 2013). Yet, no single authority oversees paralegal credentialing, and no states other than Washington license paralegals (NFPA, 2015). To gain ABA approval, a paralegal program must require students to complete at least 10 semester hours of legal specialty courses in a traditional face-to-face classroom environment (ABA Paralegal Guidelines, 2013). Currently, there are 272 ABA approved paralegal programs in the U.S. Only 22 are located in the U.S. central [42] region: Texas (6), Oklahoma (4), Minnesota (3), Missouri (3), Nebraska (2), South Dakota (2), Kansas (1), North Dakota (1), and Arkansas (1). No paralegal programs that are fully online meet ABA approval (ABA Legal Services, 2015).

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[40]The skills reported are: written communication, attention to details, listening, oral communication, professionalism, using office tools and technology, listening, professionalism, critical reading and comprehension, synthesizing facts and law, legal reasoning, knowing when to go back and ask questions, organizational skills, working within time deadlines, interpersonal skills, issue spotting, decisiveness, answering questions succinctly, computer skills, electronic researching, diligence, advocacy, fact gathering and evaluation, consciousness of personal and professional limitations, planning and strategizing, information integration, working collaboratively, resource management, interviewing, creativity, document reviewing, legal citation, and non-electronic researching (Case, 2013). Survey respondents also acknowledge engagement in six other lawyering skills at rates less than 90%: judgment (89%), negotiation (87%), courtroom presence (74%), attorney/client privilege (86%), trial skills (68%), and jury selection (44%) (Case, 2013).

[41] The top 10 ABA approved paralegal programs are offered by universities of national distinction: University of California Los Angeles, Syracuse University, Georgetown University, Auburn University, Texas A & M University, Tulane University, University of Louisville, University of Arkansas, University of Cincinnati, and the University of Tulsa. The programs emphasize hands-on simulated or real life instruction formats and/or internships (OPP.com, 2015).

[42] For purposes of this study, 11 states are considered to be in the central region of the U.S.: Minnesota, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Wisconsin, Iowa, Missouri, and Arkansas.

Three paralegal associations administer national level competency examinations:

The National Federation of Paralegal Associations[43] (NFPA); the National Association

of Paralegal Assistants[44] (NAPA), and NALS[45]…*the association for legal professionals*

(NALS). Unlike the lawyer bar examinations necessary for state certification, the

standardized testing for paralegal graduates place great emphasis on examinee's

demonstrating job-skills proficiency. W, S, and L and their HE facilities have elected to

design and deliver selected law and paralegal courses online. So, for them, there is a

Fourth Immutable: Teaching online.

The Fourth Immutable: Teach online.   The percentage of law and paralegal

courses taught online remains far below law and paralegal courses taught in lecture

halls and classrooms. Distance legal education remains severely constrained by ABA

Standards. Pursuant to the 2014-2015 amendments, the ABA now allows an accredited

law school to offer up to 15 total hours of online courses (ABA Distance Standards,

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[43] *NFPA standardized tests.* Founded in 1974, NFPA is the 1st national paralegal association. NFPA is currently comprised of more than 50 member associations representing over 9,000 individual paralegal members. Since 2011, NFPA has administered two certification tests: Paralegal CORE Competency Exam™ (PCCE) and the Paralegal Advanced Competency Exam® (NFPA, 2015). The PCCE is a rigorous, two-part test, 52% of the test questions measure paralegal practice proficiency and 48% of the test questions measure comprehension in substantive areas of the law. The 188 paralegals who passed the pilot PCCE exam in 2011 were the first paralegals certified by NFPA (NFPA, 2015).

[44]*NALA standardized tests.* Established in 1976, NALA provides a voluntary certification program for paralegals. NALA's Certified Paralegal Program (CPP) provides credentialing for Certified Paralegals (CP's) and Advanced Certified Paralegals (ACP's). A self-regulatory program, the CPP establishes a national professional standard for paralegals through rigorous testing of practical job skills and comprehension in substantive areas of U.S. law (NALA, 2013) and credentialing paralegals who have reached the standard. In 2014 there were 18,151 CP's and over 3,200 ACP's in the United States (NALA, 2015).

[45] *NALS standardized tests.* NALS began in 1949 as an association for legal secretaries. In the decade after Turner founded paralegalism, NALS administered its first Certified Legal Assistant examination (NALS, 2015). Eligibility requirements to sit for the current NALS examinations are stringent. Examinees must have five years of experience performing paralegal/legal assistant duties, or be a graduate of an ABA approved paralegal program, or hold a bachelor's degree in paralegal studies, or be a graduate from of an accredited paralegal program, or hold a bachelor's degree in an unrelated field and have one year experience performing paralegal/legal assistant duties. Invoking rigorous testing criteria similar to that used by NFPA and NALA, since 2004, NALS has administered an advanced examination that certifies successful examinees as Professional Paralegals (NALS, 2015).

2014). The ABA's 2013 amendments governing paralegal education require at least 10 hours of the program to be face-to-face learning (ABA Paralegal Guidelines, 2013). Consequently, legal educators and their facilities as a whole are at the nascent stage of incorporating distance education.

Meaning Statement

Characteristically, quantitative studies and often qualitative studies contain a problem statement, research that moves toward resolution of the problem and written analysis of resolution outcomes. A phenomenological researcher does not problem solve (Marcel,1949; Marcel,1950). It is outside the phenomenological quest for meaning, essence, and understanding lifeworld experience to include problem resolution (van Manen, 1990). However, the phenomenological quest for meaning, essence, and understanding does not avert the researcher's lens away from problems that face study participants and obstacles encountered within the existential journey. Accordingly, this Chapter has discussed The Four Immutables that law professors teaching online must confront. Chapter Two is entirely devoted to the research literature regarding the external burdens posed by The Five Protean Challenges which are dramatic, moving targets in legal education. Taken together, The Four Immutables and The Five Protean Challenges generate impingements upon the meaning of W, S, and L's felt teaching experiences.

"*Phenomenological questions are meaning questions..*that "ask for the meaning and significance of certain phenomena" (van Manen, 1990, p. 23 [italics in original]. When meaning questions are involved, they "can never be closed down, they will always remain the subject matter of the conversational relations of lived life" (van

Manen, 1990, p. 23; Marcel, 1949; Marcel, 1950). My researcher purpose is to enter

into conversational dialogue with the professors in an atmosphere of mutual sharing

toward understanding existentially felt experiences within online lifeworlds impacted by

The Four Immutables and The Five Protean Challenges.

However, neither the professors' pedagogical expertise nor the extent of their

personal or professional ability to confront the Four Immutables and the Five Protean

Challenges is at issue in this study. Meaning making in this study focuses on how an

experience feels, not on how well a law professor may confront it. At the same time,

this study takes into consideration that current technology trends, innovations for

converting law and legal studies to an online format, and emergent paradigms for online

legal education all aggregately contribute to and impinge upon the professors' felt

experiences.

Purpose of the Study

I seek "to gain experiential material for the purpose of phenomenological

reflection" (van Manen, 2014, p. 311) and hermeneutic interpretation in order to develop

a richer and deeper understanding of how it feels to teach law within The Transitioning

Experience. Therefore, as introduced earlier in this Chapter, I defined The Transitioning

Experience as "**The phenomenon of transitioning from classroom teaching where

legal doctrine and standardized test content must be taught to online teaching

where job-readiness skills, legal doctrine and standardized test content must be

taught.**   My aim is two-fold: First, to gather law professors' "pre-reflective experiential

accounts" (p. 314) of living through the Transitioning Experience.   Second, to exercise

hermeneutic interpretation of the pre-reflective experiential accounts (van Manen, 2014).

A study seeking to understand how law professors existentially undertake The Transitioning Experience is timely. So far, there is no similar research. Generally, there is a paucity of experiential studies about lawyers (Hess, 2013).[46] My mission is to deeply mine data about felt experience through the dynamic power of conversational, textual, and artistic interaction between the professors and myself as researcher. To that purpose and as introduced at the beginning of this Chapter, the over-arching research question for this study is: **"What does it feel like to live within The Transitioning Experience?"** W, S, L and I, like Wythe, Langdell, and Turner, are positioned within an era of legal education upheaval evoking both personal and professional existential crises. Therefore, I employ five existential steering themes for this study.[47]

Questioning through the existentials. There are five "universal themes of life" (van Manen, p. 302) that define personal existential experience: 1) lived relation (relationality); 2) lived body (corporeality); 3) lived space (spatiality); 4) lived time (temporality); and 5) lived things and technology (materiality) (van Manen, 2014). These themes will operate as heuristic guides for exploratory discovery of how it feels to encounter The Transitioning Experience. Specific methodological criteria for using the five existentials is presented in Chapter 4 and method for application is presented in Chapter 5.

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[46]In the last decade, in addition to multiple studies examining the need for legal education pedagogic reform, researchers have focused on the growth of online law courses and student preferences for learning law online, the birth of fully online law schools, the American Bar Association regulation of online law courses, and methods for adapting Socratic Method pedagogy to HE web systems (Hess, 2013).
[47]A sixth existential theme is added in Chapter 5.

Methodological Description

I embrace an hermeneutic phenomenological, existentially-guided qualitative design. Phenomenological because it describes, through attention to the way things appear and speak for themselves, how it feels for a law professor to experience the transition to teaching legal doctrine and legal skills online. Hermeneutic because no phenomena can be uninterpreted (van Manen, 1990). Existential because it describes and interprets how the pathos of the professors' feelings present themselves during The Transitioning Experience (their lived experience of human existence) (van Manen, 1990). Primary data has been collected through conversational interviewing (van Manen, 2014). As conversation "ice-breakers" at incremental points, the study employs arts-based modalities allowing the participants' to use found-art from **pixabay** (an open source image website) to demonstrate felt self-expression and felt self-interpretation (Leavy, 2015). Professors W, S, and L have been purposefully selected: Each continues to experience the transition from teaching law in the classroom to teaching law online.

The written analysis in this study describes and interprets the professors' lifeworlds as they specifically unfold through felt experience and events. The lifeworld is "the world of lived experience…of…modes-of-being or ways-of-being-in-the-world" (van Manen, 1990, pp. 182-183). Guided by the five existential themes, in Chapter 5 I textually and visually describe and interpret the lived meaning of the professors' online lifeworlds utilizing 1) thematic data obtained from W, S, and L during live conversations and 2) obtained from my textual and visual descriptions generated by journaling, field notes, and shared found-art.

Significance of the Study

My focus appears to be unique. I have not sought to technically examine legal pedagogic expertise, an area of inquiry that has been heretofore extensively categorized, dissected, and criticized at length in the research literature. Yet, exploration of what a small group of law professors existentially experience as they perform the pedagogical tasks of creating meaningful online paradigms amidst cataclysmic change in legal education and the GLSI cannot procede without concession that legal pedagogy integrally persists within law professors' lifeworlds as lived.

We are experiencing a perplexing era in legal education and the legal industry. The Four Immutables are moving targets. The Five Protean Challenges exert complex external pressures. Yet, no one else seems to be examining how it feels to learn to live within and through this legal conundrum. For W, S, and L, (and all lawyers and legal educators including me[48]), The Transitioning Experience constitutes a journey through lifeworlds of inscrutables. Feeling one's way through the labyrinth is a very private, internal journey, (albeit with substantial external effects on law students), evoking introspective, reflective and intense awareness of one's own existence, boundaries, freedoms, and responsibilities. It is a journey of learning how it feels to move toward horizons that inevitably ebb and flow, merge and emerge, harmonize and clash.

Legal communities and research facilities have been a-buzz with clichés about teaching students not to just think like lawyers or think like paralegals but to also learn what being a lawyer and being a paralegal means. However, pedagogic focus has

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[48] My professional background blends over 15 years teaching English, journalism, public speaking, adult education, and music in private, public and college venues; 20 years of private law practice; and 25 years as a small business owner and manager. I am a doctoral candidate in Curriculum and Instruction with a specialty is Educational Computing, Design, and Online Learning ("ECDOL").

invariably been on how to be doctrinally and theoretically astute legal educators and researchers rather than on the legal educator as an existentially vulnerable person. I believe it is time to seriously contemplate, begin to understand, and try to interpret not just what it means to think like an educator with legal teaching skills but also what it powerfully means to existentially feel as a person deeply engaged in the law-teaching experience.

As Derrick Bell, professor at Harvard Law School and New York University School of Law, so clearly articulated over thirty years ago, "learning to think like a lawyer need not and should not mean that you stop thinking, acting, and feeling like a human being" (Bell, 1982, p. 20) nor as a legal educator, give way to "the…subtle…subordination of self that occurs in legal education" (p. 18) or "in the process of teaching,…manage to dehumanize those involved in the law" (21). This presupposes that to humanly and humanely teach the law, legal educators must act as both teachers and learners. "Education must begin with the solution of the teacher-student contradiction, by reconciling the poles of the contradiction so that both are simultaneously teachers and students" (Freire, 1981, p. 72).

My position is decidedly antithetical to the way the GLSI categorically identifies its workers in terms of roles rather than persons. For example, "professional responsibility" and "professional identity" remain key catch-phrases. The two terms connote delimitation into an occupational role and denote nothing about the person engaged in the legal occupation who exercises that role. Admittedly, there are voices in legal education that do call for more humanity in the profession, but they are few. Howard Lesnick, Professor of Law at the University of Pennsylvania School of Law is

one. In a stirring essay published in 1992, Lesnick called for legal educators to honor the "human capital" of their students and themselves:

I have long been dissatisfied with the prevalent notion of teaching…that what we are doing is transmitting some of our acquired knowledge and skills, which will be useful to our students in their careers…'The pervasive emphasis on [this] instrumental use of knowledge has tended to make of the university a kind of universal filling station where students tank up on knowledge they will 'need' later (Lesnick, 1992, p. 1095 citing Beilah, 1981, p. 110).

I find this approach woefully deficient…losing sight of the deeper value of knowledge (whether it be knowledge of legal doctrine, skills, history, or theory) as a means to greater understanding of the world and of oneself. [I]t tends to render 'off limits' a teacher's motivation to engage more than the analytic or argumentative powers of his or her students. It delegitimates the authentic experience and motivation of many teachers by fostering a view of…teaching and other student-oriented work as depleting, a teacher's 'human capital, thereby helping to erect a destructive conflict of interest between teacher and student. It gives students an implicit model of the professional relation that encourages them to adopt a comparably crippling view of the attorney-client relation…it abstracts their roles as teachers and students from their individual identities; it uses people to teach things, not recognizing…that teaching is using things to teach people. (pp. 1095-1096)

Lesnick sees this prevailing approach to legal teaching as "an act of cosmic despair" (pp. 1096) and calls for a more personally engaged approach:

[T]o "give voice (to)…an act of hope, a refusal to surrender to despair…[T]o ..put more of ourselves into our engagement with the subject matter of our teaching. At the same time we must struggle to do this in a way that encourages our students to look for more of themselves in their responses to us and to the subject matter" (pp. 1096-1097).

Lesnick's lens is decidedly existential: "[T]eaching should be *informed* by our own ongoing engagement with the questions "Who am I? What am I doing here? What should I do with my life?" (p. 1099 [italics in original]). Lesnick refuses to separate lawyer and teacher roles from "personhood…recognizing the ways in which our deepest identities inform our professional identity" (p. 1100). This then, is much more than thinking like a law professor espousing legal positions. It is an ongoing self-assessment process sparked by desire to not only better understand <u>what it means</u> to be a lawyer or a paralegal but more importantly, an earnest quest toward understanding <u>how it feels</u> to be a lawyer or a paralegal, even if as a law professor, one has never actually practiced either profession. This is both exercise of existential introspection and willingness to enter into conversations about what being human in the legal educator world means or can come to mean.

Limitations of the Study

A phenomenological study does not draw conclusions or generalizations (van Manen,1990). This phenomenological study yields subjective data that cameos and interprets pre-reflective, lived human existence. Thus, it does not yield objective data nor proffer specific pedagogic experiential steps offered up to solve the extant crisis and chaos in legal education or the GLSI. Nor does it yield objective data that tests or

promotes curricular designs for greater excellence in online legal education. And It

does not attempt to show how to marshal pedagogic approaches in compliance with the

ABA 2014-2015 mandates for lawyer education and ABA 2013 mandates for paralegal

education.

Data collection and interpretation are limited by the small participant group.

Multiple qualitative researchers advocate a small participant group to enable collection

of intensive and extensive detail about each individual studied (Creswell, 2013; Dukes,

1984). The number should afford sufficient data for "the reader (to make) links between

the analysis, their own personal and professional experience, and the claims in the

extant literature…(and) enable readers to evaluate transferability to persons in contexts

which are more or less similar" (Smith, et al., 2009, p. 51). Three to six participants are

"sufficient to develop meaningful points of similarity and differences between

participants, but not so many that one is in danger of being overwhelmed by the amount

of data generated" (p. 51). The study is also limited because it relies on the professors'

willingness to self-disclose how each existentially feels while living through The

Transitioning Experience.

Delimitations of the Study

The study design incorporates triangulation through data collection from multiple

sources, (found-art, conversational interviews, journaling, and field notes), in order to

provide corroborative elements that shed light on the participants' felt experiences

under all of the existential themes (Erlandson et al., 1993; Creswell, 2013). Using

triangulation techniques in this study is particularly important because W, S, and L work

in a profession accustomed to projecting academic expertise devoid of signs of

internally felt emotion, engaging in rigorous theoretical legal research, and teaching legal doctrine and legal skills uncluttered by human pathos. Yet, as will be demonstrated in Chapter 5, my offer of opportunity for both verbal and visual artistic expression has sparked the professors' human interests and authentic voices.

Definition of Terms

Existential Themes/The Five Existentials

The five existential themes, (lived body, lived space, lived time, lived relationality and materiality/technology), "probably pervade the lifeworlds of all human beings, regardless of their historical, cultural, or social situatedness" (van Manen, 1990, p. 101). As fundamental guides for making sense of the lifeworld and born of the researcher's desire to remain open to "the fullness (and) …promise …embedded in lived experience (van Manen, 1990, p. 88), the themes reveal "aspects of the structure of lived experience", afford "experiential focus" and bring meaning to the phenomenon the researcher seeks to understand (p. 87).

Found Images/Found Art

Found images are pre-existing (e.g. artworks, photographs, cartoons, postcards, advertisements, maps, and artworks) (Cox, et al., 2014). Participants in educational and social qualitative research may be encouraged to select images, photos, or material objects as "found art" to more completely disclose their feelings and experiences (Baden & Winpenny, 2014). Guided by the five existential themes, participants in this study are asked to find images from **pixabay.com** (open-source images website) to facilitate conversational and textual expression about The Transitioning Experience.

Five Protean Challenges

The Five Protean Challenges are my identification of the kaleidoscopic, mutable factors in the lifeworlds of the participants in this study. The Five Protean Challenges both compound and confound The Four Pedagogic Immutables: 1) Higher educations' technology-driven demands; 2) the global legal services industry's digitally-driven, overarching control of legal education; 3) legal education's enrollment and tuition crises; 4) legal education's multi-cultural limitations; and 5) Legal educator's online design and delivery conundrum. Throughout this study, the Five Protean Challenges are labeled as follows:

- **HE Technology-Driven Demands**
- **GLI Digital Overdrive**

- **Enrollment and Tuition Crises**
- **LE Multi-Cultural Limitations**
- **Online Design and Delivery Conundrum**

Four Pedagogic Immutables

The Four Pedagogic Immutables are my way of identifying the four constants currently facing legal educators. The first three, teaching legal doctrine, teaching legal job skills, and teaching to standardized tests are born of ABA mandates and law and paralegal certification entities. The fourth, teaching online, is permitted by the ABA to a limited extent, but may be mandated for some legal educators by personal choice and/or their legal education facilities' administration. The fourth immutable applies to Jeff, Ann, and Ted, who all teach law and/or paralegal courses online. Along with the Four Protean Challenges, (also my identifying terminology), The Four Pedagogic Immutables impact the lifeworlds of the participants in this study as they encounter The Transitioning Experience.

Legal Doctrine

Legal doctrine consists of rules, principles, theory, or tenets of the law (Garner, 2014). In virtually all law schools in the U.S., legal doctrine is taught using Christopher Columbus Langdell's Socratic case method (legal pedagogy).

Legal Pedagogy

Also known as legal andragogy, legal pedagogy is the instructional paradigm where law students are taught to read, write, and communicate like a lawyer (Rankin, 2011).

Lifeworld

Husserl was the first to describe lifeworld, calling it the "world of immediate experience…already there…pregiven…natural, primordial..original natural life" (Husserl, 1970b, pp. 103-186). The lifeworld exists outside of critical and theoretical reflection and remains subject to Plato and Aristotle's philosophy that espoused an attitude of simple wonder at the world being the way it is (van Manen, 2010).

Lived Experience/Lived Meaning

A lived experience is described as a state of mind without causal explanations, generalization or abstract interpretations but referencing feelings, mood, and emotions (van Manen, 2010). Lived meaning(s) describe a lifeworld situation as a person experiences and understands his or her world as real and meaningful (van Manen, 2010). The participants in this study and I seek lived meaning in the phenomenon of The Transitioning Experience.

The Transitioning Experience

The Transitioning Experience is the phenomenon studied in this dissertation. It is the transition from classroom teaching where legal doctrine and standardized test content must be taught to online teaching where job-readiness skills, legal doctrine and standardized test content must be taught. The Four Pedagogic Immutables and The Five Protean Challenges impinge upon The Transitioning Experience.

Visual Arts-Based Participatory Methods

Visual arts-based participatory methods (frequently integral to multi-method research designs) incorporate visual art into the research process that most often involve research participants creating art or using found art to ultimately serve as both data and data representation (Leavy, 2015). The arts-based participatory method is very effective in the study of subjective experiences within specific social settings (Knowles & Thomas, 2002). Used at the beginning of a data collection, participant-created art or participant-found art "serve as the point of departure for dialogue" (Leavy, 2009, p. 227). Educational researchers find study participants who engage in a creative process and verbal follow-up empowers the participants because they are able to retain control, share experiences, and have their feels and perspectives validated through artistic immersion where feelings are evoked through the "drama, mood, and tone of the images (and) the interrelatedness and coherence of the images with the text" (Knowles and Thomas, 2002, p. 126).

Conclusions

This Chapter has identified The Transitioning Experience, the Phenomenon that is the subject of this dissertation, and defined it as "the phenomenon of transitioning from classroom teaching where legal doctrine and standardized test content must be taught to online teaching where job-readiness skills, legal doctrine and standardized test content must be taught". This Chapter positions the Phenomenon within the context of human existential existence as opposed to the current fallible global personification of things. The Chapter has introduced inextricable factors that impinge upon the lifeworlds of law professors engaged in The Transitioning Experience: The Four Pedagogic

Immutables and The Five Protean Challenges. The Four Pedagogic Immutables have been elucidated in historical juxtaposition to three lawyer/educators who have foundationally, pivotally and irrevocably shaped U.S. and global law through their personal existential journeys: George Wythe (18th Century); Christopher Columbus Langdell (19th Century); and H. Lee Turner (20th Century). The Chapter has also discussed five existential themes that guided data collection, data description and data interpretation.

Through provision of a meaning statement, the Chapter distinguishes this phenomenological study from quantitative and qualitative research projects that study "problems". On the other hand, the Chapter admits problems signified by The Four Pedagogic Immutables and The Five Protean Challenges that bombard and permeate the lifeworlds of transitioning experience. This Chapter's meaning statement invokes the purposeful impetus for this study driven by my quest for understanding the significance of the participants' lived Transitioning Experience. The Chapter prospectively invites you my reader to move beyond merely thinking like a law professor with legal teaching skills and toward a more personal contemplation, understanding and application of lifeworld meaning: What does it really existentially feel like to be humanly and deeply engaged in teaching law online in the midst of chaotic and cataclysmic changes in the GLSI?

Chapter 2
Review of Literature

Introduction

Chapter 1 discussed the Four Pedagogic Immutables[49] identified as absolutely

problematic for law professors involved in The Transitioning Experience. Chapter 1 also

introduced Five Protean Challenges identified as potentially problematic during The

Transitioning Experience:

- **HE Technology-Driven Demand**
- **GLSI Digital Overdrive**
- **Enrollment and Tuition Crises**
- **LE Multi-Cultural Limitations**
- **Online Design and Delivery Conundrum**

The full extent of how each of these challenges actually affects W, S, and L is

unknown. During my conversations with the professors, W, S, and L all identified how

some aspects of these challenges operate in their lifeworlds. However, as disclosed in

Chapter 5, the professors all seem to have insulated themselves to a great degree from

the full barrage of these challenging factors. Yet, even exposure to a modicum of the

challenges poses formidable lifeworld disruption. W, S, and L teach law online in a

chaotic and rapidly evolving, technology-fired landscape. The upheavals they

experience are experienced by HE instructors in general. Therefore, I initially consider

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[49] The identification of constants in a legal educator's professional world is pre-requisite. In regard to
legal educators who engage in distance learning, I identify four absolute constants I call the **Four
Pedagogic Immutables:**
- **Teach Legal Doctrine**
- **Teach Legal Job Skills**
- **Teach to Standardized Tests**
- **Teach All Online**

the research literature focused on the first Protean Challenge: How digital technology affects HE instructors and their institutions overall.

The discussion first acknowledges that legal educators face challenges evoked by the digital collective consciousness invoked by the growth of web technology.   Then, the Chapter looks at the colonization of distance learning by big business and academic institutions for profit followed by tracing the growth of online higher education through future trend predictions and student and faculty satisfaction studies, focus on pressures by the global legal services industry for legal education instructional reform, and how the American Bar Association has met the call for reform with guideline revisions in 2013 for paralegal education and amended accreditation standards in 2014 for institutions offering J.D. degrees.

Next, the Chapter addresses the challenges of teaching in legal education venues in the midst of dwindling enrollment, sky-rocketing tuition and administrative costs, the shrinking legal job market and institutional attempts to garner a corner of the educational market. Specific attention is directed to dichotomy between the increase in online course offerings and online instruction in a climate of tension between Americanized legal culture and global trends toward comprehensive internationalization of legal learning.

Finally, the Chapter views the challenges of teaching within a pedagogical conundrum marked by the inevitable extinction of the printed law casebook and eclectic attempts to bring legal education in line with other higher education technological progress despite legal instructors' reticence to do so. The discussion then focuses on adult learning paradigms currently applied in online legal education, the impediments to

professional skills training, and application of expert thinking and scaffolding protocols

to legal online learning. The Chapter concludes by discussing the climate of student

distrust of the world-wide web's social capital and the burgeoning "third culture" that

continues to evolve in legal online learning.

Protean Challenge: HE Technology-Driven Demand

Voices around ancient campfires…paintings on walls of deep caves…echoes in

the distance… Artifacts are testimony to the high degree of correspondence between

learning methods and daily life within the lifeworlds[50] of our ancestors (Habermas,

1987). In 21st Century lifeworlds, communication, exchange of goods and services, and

organization of familial and social groups coalesce in an everyday collective

consciousness, not unlike that of our primordial ancestors (Habermas, 1987).[51]

However, digital technology and globalized economic power structures vie to establish

cyber-environments detached from everyday values where lifeworlds are dehumanized

and distorted (Bauman & Newman, 2013).   The Lifeworld of Online Learning in U.S.

higher education occupies a nitch in this economically-charged cyber-space. In the

Lifeworld of Online Learning, a bewildering array of instructional designs each claim to

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[50]The term "lifeworld" was introduced by Edmund Husserl seventy-eight years ago to describe the lived correspondence between individual and society:

> In whatever way we may be conscious of the world as universal horizon, as coherent universe of existing objects, we, each "I-the-man" and all of us together, belong to the world as living with one another in the world; and the world is our world, valid for our consciousness as existing precisely through this 'living together.' We, as living in wakeful world-consciousness, are constantly active on the basis of our passive having of the world... Obviously this is true not only for me, the individual ego; rather we, in living together, have the world pre-given in this together, belong, the world as world for all, pre-given with this ontic meaning... The we-subjectivity... [is] constantly functioning. (Husserl, 1936/1970), pgs. 108-109).

[51]The contemporary lifeworld is "a person or group's everyday world of taken-for-grantedness normally unnoticed…hidden as a phenomenon…(and) *transparent* in the sense that day-to-day life *just happens,* grounded in spatial-temporal patterns that are more or less regular" (Seamon, 2012, pg. 202).

transform some aspect of post-secondary education. Higher education institutions up

offerings of asynchronous and synchronous distance courses, claim to engender

lifelong learning, to arm students with the creativity, capability, and competency to

triumph in novel situations, and to thrive in the complex and evolving global knowledge

economy (Trucano, 2003; Kuit & Fell, 2010). As contributors to this cyber-economy,

higher education students regularly use digital technology in their daily lives. Many

have taken undergraduate courses online. In contrast, a law professor may have little

or no online instructional experience and only occasionally use digital devices. When

the digitally savvy and the digital novice lifeworlds connect, the worth of the occurrence

is measured in terms of institutional economic gain.

Colonization of HE distance learning.   Revenue hungry academic systems

capitalize on students as consumers and faculty as workers (McLaren, 2005), offering

elearning courses that create "both disconnection between students and teachers and a

focus on income and outcome (where) students…are reduced to elements in a system

of production and income generation (Mann, 2008, p. 71). Facilities become over-

dependent on web-based learning platforms in passive surrender of educational reform

to technological procedure (McLaren, 2006).   Dichotomous tension ensues when

institutional economic strategies target revenue, efficiency and the means to achieve

goals and institutional social and communicative actions target purpose, values, and

gaining mutual understanding (Morrow & Torres, 2002). In the mix, HE instructors may

be compelled to teach in ways that conflict with their personal paradigms in order to

increase enrollment populations, boost tuition revenues, and win institutional favor.

"[D]iscourse and rationality of money and power enters and appropriates…discourse and rationality of the lifeworld" (Mann, 2008, p. 71).

The growth of online HE education: The demographics.   Whether seen as creative innovation, colonization or misappropriation, post-secondary online education continues to expand. Each year, The New Media Consortium (NMC) and EDUCAUSE jointly release a technology report, the definitive source for HE institutions to track expected technology trends, challenges, and innovations in higher education over five year periods.[52] Because data collection in this study began in 2015 and continued into 2016, this study discusses both the 2015 NMC Horizon Report>2015 Higher Education Edition (Horizon Report 2015) and the 2016 NMC Horizon Report>2016 Higher Education Edition (Horizon Report 2016).

5-year trends.   On the short-term (1-2 years), the 2015 Horizon Report experts foresee increased blended learning environments combining online and face-to-face components, (e.g., flipped classrooms), and redesigned learning spaces to facilitate active and project-based learning , mobility, and multiple device usage (Johnson, et al., 2015). Mid-term trends (3-4 years) include focus on adapting business web-analytics to profile online learner activities, building better pedagogy, empowering students to actively learn, targeting at-risk student populations, and assessing factors for student success. An increase is expected in open education resources, (e.g., incorporating teaching, learning, and research resources in the public domain). On the long term (4-5

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[52] The New Media Consortium (an international community of educational technology experts), and EDUCAUSE (a nonprofit association using information technology to advance HE), jointly conduct research to identify and describe emerging technologies' impact on learning, teaching, and creative inquiry in higher education (New Media Consortium, 2015).

years), predictions include extending technologies students use in daily living to learning venues and increasing cross-institutional collaboration focused on global educational accessibility, affordability, and quality (Johnson, et al., 2015).

5-year technology predictions. On the near term (1 year or less), the 2015 Horizon Report predicts increases in **mobile learning** and **flipped classrooms.**[53] On the mid-term (2 to 3 years), makerspaces (workshops offering digital tools including 3Dprinters, robotics, and 3D modeling web-based applications) will engage learners in creative, higher order problem solving, hands-on design and iterative construction, and wearable technology, (e.g., jewelry, eyewear, or items of clothing), will track sleep, movement, location, social media interactions, and enable virtual reality (e.g. **Google Glass**). On the far term (4 to 5 years), growth in adaptive learning technologies[54] and the advent of the **Internet of Things** (IoT)[55] are anticipated (Johnson, et al., 2015).

Overview of the 2016 Horizon Report. Over the next five years, the 2016 Horizon Report experts agree two trends will exert long-term impact: Advancing HE innovative culture and fundamentally rethinking how universities and colleges work. Blending formal and informal learning, (i.e. integrating students' work life and work experience into curriculum designs), is a major HE obstacle that is deemed solvable.

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[53]In the flipped classroom paradigm, students watch video lectures, listen to podcasts, and read e-books outside of class, then collaborate with the instructor and fellow students during class through active and project-based learning to gain deeper cognitive subject matter understanding (Bergmann & Samms, 2014).
[54]Adaptive learning technologies, (enabled by machine learning technologies), include software and online platforms adjusted to individual student learning needs, interactions, and demonstrated performance level to anticipate content and resources needed for student progress (Johnson et al, 2015).
[55]IoT involves a digital network of connected objects that **link physical surroundings** with the information sources in "hypersituation". The learner's location triggers digital transmission of interdisciplinary information about a particular surrounding, (e.g., while physically exploring a city, architectural, political, biological, or crowd-sourced perspectives are simultaneously available) (Johnson, et al., 2015).

However balancing students' connected and unconnected lives is unsolvable. Within the year, Bring Your Own Device (BYOD), learning analytics and adaptive learning are expected to be increasingly adopted in HE. Augmented and virtual reality and makerspaces, (online collaborative spaces for creating, inventing and learning), are projected to be adopted within 2 to 3 years. Within 4 to 5 years, affective computing (development of systems and devices that can recognize, interpret, process, and simulate human affects), and robotics will be more prominent.

> ***EDUCAUSE student and faculty technology research studies.*** Since 2004, EDUCAUSE, a nonprofit association seeking to advance HE through information technology, has surveyed faculty and students about HE technological experiences and expectations. In 2014, the Educause Center for Analysis and Research (ECAR) published two studies. ECAR collected responses from 75,306 undergraduate students in 213 institutions and 17,451 faculty in 151 institutions in 13 countries. The first study found students have favorable attitudes toward technology in their daily lives, and, although student academic use of technology is widespread, it is not deep. Faculty and students are concerned about the potential for mobile devices to create in-class distraction. The majority of students surveyed favor a blended online and face-to-face format over an entirely distance experience and support institutional use of their data on facilities' Learning Management Systems (LMSs) to advise them about personal academic progress (Dahlstrom & Bichsel, 2014).

> The second study (Dahlstrom & Brooks, 2014) found HE faculty recognize online learning promotes access to higher education but only reservedly see online courses improving outcomes. Faculty strongly favor institutional use of the basic features and

functions of LMS's including use of early-alert systems and intervention, believe knowledge of greater technology skills could make them more effective instructors, and recognize mobile devices have potential for technology-enhanced learning.

The 2015 ECAR 2015 study (Brooks, Dahlstrom, Grajek, et al., 2015) collected data from 50,274 undergraduate students from 11 countries and made similar findings. Students are technology-driven, positively disposed toward it, own more internet-capable devices than ever before, exhibit high levels of interest in mobile device use to enhance learning despite low levels of academic use, and most students support institutional use of personal data to advise them on academic progress. The ECAR 2015 study of HE faculty (Brooks, 2015) collected 13,276 faculty responses from 12 countries and found that HE faculty are avid digital device owners, are positively disposed to technology, have experience teaching in digital learning environments, want evidence of e-learning's impact on student learning, are motivated by the prospect of time to devote to course design, and most think mobile technology enhances student learning.

The 2015 Sloan-C report. The Sloan Consortium[56] (Sloan-C) conducted a 2015 survey (Sloan-C Report) of distance education (Allen & Seaman, 2015). Researchers found in 2015, a year-to-year 3.9% increase in the number of distance education students (up from 3.7% rate in 2014); that 28% of students take at least one distance course, that in the fall of 2014, there were 5.8 million distance education students with 2.85 million of them taking all of their courses online; most undergraduate and graduate distance education students are enrolled in public institutions; the

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[56] The Online Learning Consortium (OLC), also known as the Sloan Consortium, (Sloan-C), is a professional non-profit online learning society originally funded by the Alfred P. Sloan Foundation, dedicated to quality e-learning for individuals, institutions, professional societies and corporations.

proportion of chief academic leaders that say online learning is critical to long term

strategies fell from 70.8% in 2014 to 63.3% in 2015; 71.4% of academic leaders rate

online learning outcomes the same or superior to classroom instruction; and only 29.1%

of academic leaders report that faculty see value and legitimacy in online learning. The

lifeword of a U.S. legal educator can be further complicated by digital technology's

inextricable grip on the GLSI.

Protean Challenge: GLSI Digital Overdrive

The Global Legal Services Industry (GLSI) is expected to generate approximately

$815 billion through this year of 2017 with 80 of the world's 100 highest-grossing firms

headquartered in the US and 15 in the UK (First Research, 2015). Global digital

technology (GDT) drives the GLSI. By 2020, overall digital technology use could add

$1.35 trillion to total global economic output. Global technology advances are expected

in online transaction volume, use of cloud services, business and industry fostering

pervasive technology skills and economic acceptance of emerging digitally driven

business models (McKendrick, 2015).[57]

Richard Susskind's book, *Tomorrow's Lawyers* (2013), predicts legal institutions

and lawyering caught up in GDT growth will change more dramatically over the next two

decades than they have over the last two centuries. Susskind envisions the GLSI of the

future teaming with virtual courts, Internet-based global legal businesses, online

document production, commoditized services, legal process outsourcing, and web-

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[57]The U.S. legal services industry (law offices, and paralegal, notary public, process serving, and patent agent services) includes about 180,000 establishments (single-location and multi-location firms) with combined annual revenue of $260 billion (First Research, 2015). While only a fraction of a percent of total global gross world product (currently about $87 trillion), the U.S. gross digital product could see at least a $365 billion increase by 2020 (McKendrick, 2015).

based simulated practice (Susskind, 2013). The increase in digital technologies portends that all organizations in the GLSI transform their operations to prepare for an onslaught of digital disruption (McKendrick, 2015). Susskind foresees the GLSI's digital disruption will be fueled by "legal knowledge engineers… legal technologists…legal hybrids…legal process analysts…legal project managers..online dispute resolution practitioners…legal management consultants…(and) legal risk managers" (Susskind, 2013, pp. 128, 131-132, & 135). Susskind observes when "graduates are not well equipped for legal practice as currently offered, they are profoundly ill-prepared for the legal work of the next decade or two" (p. 151). Yet, legal education is far from wholeheartedly embracing GDT opportunities.

Status of online teaching in legal education. In the last decade, a small number of law and para-legal studies courses have transitioned to all or partially online formats at post-secondary vocational schools, colleges, and universities (Burnsted, 2012). The ABA does not accredit fully online JD programs nor approve fully online paralegal programs thwarting impetus for legal education facilities to offer more online courses. The ABA seems to take the position that in-class discussions create legal learning and that despite the fact that an online law school may require students to read and analyze cases, significant key elements of the learning process are lost when students do not participate in open discussion and interrogation in classroom settings. The distrust of the online learning venues is echoed by law firms discounting the credentials of applicants who hold online-only degrees (Wecker, 2012). The ABA's 2014-2015 and 2013 revisions do expand the number of online hours allowed for JD and paralegal programs, compel legal educators to re-format doctrinal instruction

paradigms, and institute work-readiness training for today's legal occupations. In

accord with Suskind's predictions, the ABA increase in online hours may be far too

restrictive to effectively open the way toward training students for new job descriptions

in the GLSI's near future.

ABA 2014-2015 distance education changes for law schools. The ABA

2014-2015 amendments allow law schools to offer a maximum of 15 hours of distance

courses for J.D. students, (a three hour increase over the prior 12 hour maximum). To

maintain accreditation and include up to 15 distance course hours, a law school must

comply with rigorous standards governing online course design and delivery methods:

Standard 306. DISTANCE EDUCATION
(a) A distance education course is one in which students are separated from the faculty member or each other for more than one-third of the instruction and the instruction involves the use of technology to support regular and substantive interaction among students and between the students and the faculty member, either synchronously or asynchronously.

(b) Credit for a distance education course shall be awarded only if the academic content, the method of course delivery, and the method of evaluating student performance are approved as part of the school's regular curriculum approval process.

(c) A law school shall have the technological capacity, staff, information resources, and facilities necessary to assure the educational quality of distance education.

(d) A law school may award credit for distance education and may count that credit toward the 64 credit hours of regularly scheduled classroom sessions or direct faculty instruction required by Standard 310(b) if:

    (1) there is opportunity for regular and substantive interaction between faculty member and student and among students;

    (2) there is regular monitoring of student effort by the faculty member and opportunity for communication about that effort; and

    (3) the learning outcomes for the course are consistent with Standard 302.

(e) A law school shall not grant a student more than a total of 15 credit hours toward the J.D. degree for courses qualifying under this Standard.

(f) A law school shall not enroll a student in courses qualifying for credit under this Standard until that student has completed instruction equivalent to 28 credit hours toward the J.D. degree…(ABA Distance Standards, 2014).

The ABA's 2014-2015 new interpretation 306-1 sets out the suggested

technology to be employed for distance education:

Interpretation 306-1
Technology used to support a distance education course may include, for example:

(a) The Internet;

(b) One-way and two-way transmissions through open broadcast, closed circuit, cable, microwave, broadband lines, fiber optics, satellite, or wireless communications devices;

(c) Audio and video conferencing; or

(d) Video cassettes, DVDs, and CD–ROMs, if the cassettes, DVDs, or CD–ROMs are used in a course in conjunction with any of the technologies listed in paragraphs (a) through (c) (ABA Distance Standards, 2014).

The ABA amendments require law students to take a minimum of 86-90 credit

hours for graduation, making the allowed 15 online credit hours only approximately 1/6th

of total JD hours. The fact that no online hours are approved until a law student

completes 28 credit hours prohibits law schools from offering any of their core, first year

courses, (i.e. contracts, civil procedure, torts, and criminal law), totally online. However,

the ABA has interpreted its Standard 306 to allow blended learning courses:

306-3. Courses in which two-thirds or more of the course instruction consists of regular classroom instruction shall not be treated as "distance education" for purposes of Standards 306(d) and (e) even though they also include substantial on-line interaction or other common components of "distance education" courses…(ABA Distance Standards, 2014).

Blended courses may increase student/instructor interaction:

306-4 Law schools shall take steps to provide students in distance education courses opportunities to interact with instructors that equal or exceed the opportunities for such interaction with instructors in a traditional classroom setting (ABA Distance Standards, 2014-2015)

ABA distance education requirements for paralegal education. The 2013

ABA Guidelines For the Approval of Paralegal Programs (ABA Paralegal Guidelines,

2013) allow offering the majority of the 60 required hours for graduation online. Ten

hours of the legal specialty courses must be in a traditional classroom setting. An ABA

approved program can meet the classroom setting requirement by offering synchronous

online instruction to students present in satellite classrooms:

> **Guideline 302.** The program of education for paralegals must be:
>
> > (a) At the postsecondary level of instruction;
> > (b) At least sixty semester hours, or equivalent, which must include
> > general education and legal specialty courses…
>
> …3. Programs must provide and students must be required to take at least ten
> semester credits or the equivalent of legal specialty courses through
> traditional classroom instruction. The program can satisfy the traditional
> classroom instruction requirement through one of the following means:
> e. Courses taught through a synchronous interactive video system for
> broadcasting traditional classroom instruction conducted in live class
> sessions between a classroom operated by the institution and one or more
> remote classrooms, that meet all of the following:
> (1) The broadcast must be live and synchronous.
> (2) The class session must involve a group of enrolled students at each
> classroom location.
> (3) The classrooms must be operated by the institution or otherwise
> affiliated with that institution.
> (4) The system must use interactive two-way instructional television or
> video conferencing technology that enables persons at all classroom
> locations to see and hear each other in real time and to interact with each
> other in real time.
> (5) The system must allow classroom instruction to take place in the same
> way that it would if the students and the faculty were all in a classroom
> together (ABA Paralegal Guidelines, 2013).

For now, the ABA clearly intends to anchor legal education in face-to-face learning.

However, "live" legal learning has thus far ill-prepared students for real-world human

interaction.

The cost of human interaction. Despite the growth of cyberspace jobs and

GLSI's growing footprint in digital commerce, law firms remain skeptical about hiring

lawyers with an online JD degree for lack of experience with human face-to-face interaction[58] (Burnsed, 2012). However, legal education is deficit in job-skills face-to-face interaction, ill-preparing students for the pathos of practice.

"…let's kill all the lawyers.."
--Shakespeare *Henry the Sixth, Part 2, Act 4, Scene 2*

The product of legal education deficient in job-skills face-to-face interaction, U.S. lawyers are killing themselves at an alarming rate. The ABA's Commission on Impaired Attorneys claims lawyers have the highest rate of suicide among all other occupations (Scott, 2011). The National Institute for Safety and Health's 2011 study found male lawyers between the ages of 20 and 64 are more than twice as likely to die from suicide than men the same age in other occupations (Scott, 2011). According to a 2014 CNN online story, lawyers are the fourth most likely professionals to commit suicide in the U.S., falling behind only dentists, pharmacists, and doctors and are 3.6 times more likely to suffer from depression than non-lawyers (Flores & Arce, 2014). The ABA estimates 18 to 20 percent of US lawyers abuse alcohol or drugs as well (Scott, 2011).

Lawyers habitually face intensely conflict-filled situations with clients, jurors, judges, fellow employees, and business contacts. Law schools categorically instruct about the ethical ramifications of lawyers' failed human interactions. However, law schools rarely reveal the existential crises their students may expect to face after graduation. A few legal education programs are gradually introducing more digital technology to provide students ways to learn to cope with occupationally-bound

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[58]Snubbing law firm hiring practices and ABA blessings, a number of California law schools are now fully online. Degrees from these institutions are not recognized by the ABA nor by any attorney licensing authorities in any state outside of California, and graduates who pass the Multi-State and California bar exams are only able to practice in California (Burnsed, 2012).

personal crises.

Since 2010, North Carolina Central University (NCCU) School of Law has provided online synchronous law classes where students can practice solutions to conflict situations in real time (NCCU, 2012; Lawson, 2010). At a significant cost commitment, NCCU's online program uses sophisticated immersion technology supported by Polycom Inc.'s **DVE Immerson Room** [59] to create real-time student interaction at multiple remote locations (NCCU, 2012; Lawson, 2010). HE institutions providing only a limited number of law courses online may not be in the market for Polycom's high-end technology even though grants to partially defer costs are available. However, ABA studies show that HE institutions are taking a closer look at digital technology as a means to introduce the pathos of real-world law practice to law students.

ABA surveys of law technology in legal education. In the two years prior to the ABA 2014-2015 amendments, the ABA surveyed law school deans about legal technology use and investigated the extent law school curricula incorporate digital technology.

2013 ABA survey of law school deans. In, 2013, the ABA eLawyering Task Force sent a survey to the academic deans of all 203 ABA-accredited law schools. The survey assessed the extent law schools focus on specific elements of legal technology that can be considered skills training for legal jobs: document assembly and drafting, courtroom technology, decision support systems, legal technology ethics, legal

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[59]With a list price of $895,000 per room, the DVE Immersion Room creates an image far beyond 3-D "telepresence" using a patented transparent polymer reflecting screen that beams an image from a remote location into the middle of the room. The camera is hidden behind the floating images, allowing for eye level perspectives and breathtakingly realistic presence (NCCU, 2012; Lawson, 2010).

technology start-ups, marketing, matter and knowledge management, new model law firms, online dispute resolution, project management, software development, legal process engineering, access to justice and legal technology, cloud computing, law firm Web development, online marketing issues, social media and lawyering, and computer security and law practice (Granat & Lauritsen, 2014).

Only 32 law schools (16% of those surveyed) responded. The survey found 1/4th of the institutions operate centers focused on law technology. One-fifth offer more than two courses in law technology. Three schools reported concentrations, certificates or joint degrees in legal technology. Ten schools reported offering multiple law technology courses or on-campus centers devoted to the technology of practice. However, out of the ten, only Florida Coastal School of Law reported established e-learning courses in law practice technology (Granat & Lauritsen, 2014).   Florida Coastal offers an online specialization in law practice technology and management.[60]

ABA survey of law school curricula. A 2010 ABA survey regarding law school curricula found more law schools were offering online courses in 2010 than in 2002 but fewer than 50% of the responding schools reported a policy allowing distance education courses to count toward a J.D. degree. Synchronous online course offerings increased from 13% of the surveyed schools in 2002 to 23% in 2010. In 2002, 11% of surveyed schools offered asynchronous online courses but by 2010, the number of schools with such offerings increased to 25% (Carpenter, 2012).

Despite the ABA statistics showing U.S. law schools apathetic or only marginally

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[60] Students who complete Florida Coastal's program receive 10 credit hours and a certificate in Legal Technology and Law Practice Management. The program offers courses in document automation applications, legal expert systems, social media in law practice, training lawyers as entrepreneurs, legal project management, legal process re-design, eDiscovery management, access to justice and legal technology, and digital law ethics (Granat & Lauritsen, 2014).

interested in online education, one top U.S. law school offers a full compliment of skills-based online courses oriented toward Suskind's vision of digital global law. The John Marshall Law School (JMLS) in Chicago, acclaimed as a leader in legal job-skills training, offers more than 70 JD courses on line, (more than any other ABA accredited law school in the U.S.). JMLS's summer, 2015 offerings for 2nd and 3rd year JD students alone include courses specifically designed to ready students for the new face of digital law practice (e.g. "Computer Crime, Information Warfare & Economic Espionage" and "Cyberspace Law") (JMLS, 2015). However, ABA relaxed standards for online courses and visionary online courses focused on digital lawyering skills are offset by the fact that fewer students are applying to law schools and paralegal programs.

Protean Challenge: Enrollment and Tuition Crises

Enrollments in U.S. law schools and paralegal programs are dramatically down[61] driving tuition costs up and enveloping legal educators in a no-win academia business model. Every year since 2010, law school enrollment has declined by nearly 40% (a total of 33,000 less students), forcing institutions to admit students with lower academic qualifications (Huffman, 2015). Fewer candidates are taking the Law School Admission Test (LSAT) as well.[62] Following the trends toward legal job diversity in the GLSI, of the

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[61] According to the 202 ABA-approved law schools' self-reported enrollment figures, a combined total of 39,675 full and part-time students enrolled in a first-year J.D. program in the fall of 2013 marking a decrease of 4,806 students from fall, 2012 (Hansen, 2013). Enrollment has not been that low for 39 years. In 1975, 39,038 students were enrolled in 163 ABA-accredited schools (Hansen, 2013). Likewise, in October, 2013, nearly 11 percent fewer candidates took the Law School Admission Test (LSAT) than in October, 2012 (Schwartz, 2013). The 33,673 test takers in 2013 marks a 45 percent drop since the number of candidates taking the LSAT peaked in 2009 (Gershman, 2013).

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non-J.D. students enrolled in 2013, 84% enrolled in L.L.M's and 16% enrolled in degree

programs for non-lawyer professionals, (e.g., paralegal and criminal justice programs)

(Hansen, 2013).

End year ABA reports for 2015 indicated overall enrollment in law schools

dropped nearly 5 percent with first-year class sizes slumping by 2.2. percent and Juris

Doctor degree enrollment down by nearly 6,000 (113,900 for all U.S. law schools)

(Sacks, 2015). However, in mid-December 2015, the Law School Admission Council

reported applications for the 2016-2017 school year were up 3.4 percent (Id.).

When JD program enrollment declines, law schools have relied on tuition

discounts (sometimes as much as 100%) to recruit the best students. Students

unqualified for discounts rely solely on government guaranteed loans, making borrowing

funds for legal education initially effortless albeit with dire consequences. Students may

struggle and even fail to re-pay loans throughout their future work careers (Huffman,

2015). Meeting enrollment quotas results in less net revenue unless endowments pick

up the slack. Ultimately, lowered enrollment standards fill law schools with the least

qualified students with the least hopeful prospects for future GLSI employment

(Huffman, 2015).

Dwindling job prospects. According to the ABA (American Bar Association

Employment Summary Report, 2016), of JD students who graduated between

September 1, 2014 and August 31, 2015, only a small percentage had obtained work as

a lawyer by February 15, 2016.[63] A combination of factors has killed the 21st Century

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[63]Some of the most prestigious law schools in the U.S. have reported dismal employment figures during
the past several years for graduates, particularly those seeking full time employment as a lawyer in a law
firm. The trend continues as 2015 graduates have sought post-bar passage employment in 2015 and
2016. Yale Law School has reported only 83 out of 213 graduates passing the bar have found full time

J.D. job market. First, despite current declining law school enrollment, the 2011 peak in law school enrollment flooded the legal job market with too many new graduates seeking employment. Second, as a result of the 2008 financial industry meltdown, corporate law firms representing big business cut back on hiring. The destabilized market caused J.D. graduates on track for big-firm entry positions to instead swallow up lower paying jobs in government, small firms, and public interest groups that would have otherwise been filled by graduates with lesser credentials (Weissmann, 2013; Weissman, 2015).   The ensuing dearth of full-time jobs has forced new lawyers, (many deeply in debt), to work in the legal field part-time or as a side-line to non-legal employment (Wright, 2014). Prospects for lawyering jobs has declined over the past six consecutive years (Huffman, 2015) despite the U.S. government's modest growth projections.[64] In December, 2015 the US Bureau of Labor Statistics predicted that between 2014 and 2024, only a total of 43,800 jobs will be added in the US legal field (growth from 778,700 jobs to 822,500 jobs) a projection of an average of only 4,380 jobs added per year (Leichter, 2016).

Paralegal job prospects are grimmer. According to the U.S. Bureau of Labor Statistics, in 2012 (the latest statistics reported) there were a total of 277,000 paralegal/legal assistant jobs in the United States. Although 46,200 new positions are

employment as a lawyer in a law firm. Only 323 Harvard Law School students have found full time employment as a lawyer in a law firm out of 509 passing the bar.   Stanford has reported 104 out of 195 graduates passing the bar have found full time employment as a lawyer in a law firm. Out of 399 law students passing the bar, 94 Rutgers students have found employment as a lawyer. George Washington University has reported 205 students out of 465 students have found full time employment as a lawyer in a law firm. Out of Emory University's 308 law students passing the bar, 145 have found full time employment as a lawyer in a law firm (American Bar Association Employment Summary Report, 2016).

[64] According to the U.S. Bureau of Labor Statistics, although overall employment of lawyers is projected to grow 10 percent from 2012 to 2022 (BLS, 2015), hiring continues to stagnate following the trends measured in 2012 where more than twice as many students graduated with law degrees (46,565) in the U.S. than the estimated 21,640 full-time U.S. job openings (Wright, 2014). Likewise, on average for most states, between two to four graduates vie for every opening (Wright, 2014).

projected between 2012-2022 (BLS, 2014-2015), the number of paralegal students that will vie to fill those positions overwhelmingly outnumber positions available. Currently, there are approximately 900 colleges and universities in the U.S. that offer paralegal degree programs. There are a total of 990 educational institutions offering paralegal certificates, associate, bachelor, or masters degrees in the U.S. (Education News.org, 2015).[65] The average number of students that will fill the projected 46,200 new positions in each of the eleven years from 2012-2022 will be 46,0000÷11=4200 4200÷900 (schools)= 4.666. Thus, there will be less than 5 new paralegal jobs on average for all graduates per school during each year of the 11 year period.[66]   The total number of paralegals working in the U.S. is steadily declining-- 491,190 paralegals were working in the U.S. in 2009 and 476,640 paralegals working in the U.S. in 2010, a nationwide drop of 14,550 jobs in only one year (Education News.org, 2015).

Budget cuts and other band aids. In the wake of graduating too many lawyers and too many paralegals, HE institutions continue to look for budget cutting strategies to boost revenue. The ABA's 2014-2015 accreditation amendments prospectively dash prospects for future budget cuts. The ABA's new job-readiness directive requiring a minimum of 6 credits in "experiential courses" and the GLSI's call for legal specialists herald the inevitable addition of new courses. Job skills training means a much smaller instructor to student ratio and modification of courses already in place with higher facility expenditures raising tuition costs (Huffman, 2015).

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[65]I consider 11 states as located in the central region of the U.S. for purposes of this study. In those 11 states, there are a total of 162 facilities offering certificates, associate, bachelor or masters degrees (MN-25; NB-9; TX-55: ND-3; SD-5; KS-10; OK-6; WI-19; IA-10: MO-22; AR-7)(Education News.org, 2015).
[66]None of the statistics address the number of new paralegal jobs opening up during the 11 year period that require experienced paralegals rather new graduates.

However, Robert Kuehn (2014), professor at Washington University Law School, argues legal skills training need not necessarily be more expensive than traditional legal instruction. Conducting meta-analysis research of tuition, curricular and enrollment data from all U.S. law schools, Kuehn finds 84% already have the capacity to provide a clinical experience to every enrolled student without adding courses or faculty.[67] There is no difference in tuition costs between schools that have sufficient capacity to provide clinical training for each student and those that do not (Kuehn, 2014).

When budget cuts are deemed necessary, institutions will likely consider decreasing the number of tenure-tracked faculty as a prime gateway to lower operation costs (Huffman, 2015).[68] This prospect threatens faculty who, until the present, have enjoyed ever increasing salaries and tenure protection, smaller and fewer classes, shorter semesters, liberal sabbatical and leave policies and supplemental research grants (Huffman, 2015). Huffman concludes:

> [L]aw schools should be allowed to innovate, specialize, experiment and appeal
> to prospective students not on their rank among a sea of law schools doing
> basically the same thing, but on the basis of the unique education they offer.
> Only then will new business models emerge and be tested against the realities of
> the 21st century market for legal services. (n.p.)

Fully online legal education opportunities increase. To meet the revenue pressure resulting from lower enrollment, burgeoning tuition and facilities costs, as well as increased student demand for more online courses, a number of higher education facilities are offering juris doctorate degrees and paralegal degrees entirely online

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[67]Only 18% of U.S. law schools currently require or guarantee clinical training (Kuehn, 2014).
[68] Faculty salaries make up the major portion of legal education facility budgets.

despite loss of ABA accreditation (for law schools), and ABA approval (for paralegal programs). Five "distance-learning" law schools, (all registered in California), offer J.D. degrees via the Internet (Cahak, 2012). Over 1,000 paralegal programs in the U.S. are offered online[69] (Hlinak, 2014; American Bar Association, 2013). To further offset deficits, many schools are vetting students from outside the U.S. In the fall of 2012, 10 percent of applicants to ABA-approved law schools had citizenship outside the United States with the majority from Canada, China, and the Republic of Korea (LSAC, 2014). As more international students enter U.S. legal education programs and jobs in the GLSI move outside of the U.S., legal educators' multi-cultural responsibilities increase.

Protean Challenge: Legal Culture and Multi-Cultural Limitations

Culturally sensible lawyers and paralegals "can work effectively across cultures" (Curcio, et. al., 2014, p, 180). As overall enrolment in U.S. law schools and paralegal programs continues to decline and institutions alternatively act to attract international students with online courses and degrees,[70] the issue of culturally responsible legal instruction grows.   Awareness and application of cultural perspectives in legal education are referred to as cultural competence, cross-cultural law curriculum, and cultural sensibility skills (O'Donnell, et al., 1997; Miller, et al., 2008; Moran, 2010).

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[69] Approximately 250 paralegal programs in the U.S. are ABA approved (Hlinak, 2014).

[70] In the fall of 2012, 10% of applicants to ABA-approved law schools were international students with the majority from Canada, China, and the Republic of Korea (LSAC, 2014a). For the 202 law schools accredited by ABA, 29.1% were of ethnic minority (11,892 out of 40,802), and out of the 202 schools' total JD enrollment, 26.9% (34,584 out of 128,712), were of ethnic minority (ABA Longitudinal Statistics, 2014). In fall, 2013, 15.9% of enrollees were of ethnic minority. Of the full-time staff and faculty members, 15.9% were of ethnic minority (ABA Longitudinal Statistics, 2013a). Matriculated students as of fall of 2013 were 70.5% Caucasian/white, 2% American Indian/Alaska Native, almost 10% Asian, almost 10% Black/African American; 10% Hispanic/Latino; 0.4% (Hawaiian/other Pacific Islanders), and 2.6% Puerto Rican. In 2012, 5.5 million higher education students took at least one online course (Kolowich, 2014). Of the 5.5 million students, about 2.6 million were enrolled in fully online programs (Straumsheim, 2014), and on average, 21.7% of white HE students took one or more distance education course and approximately 20% of non-white HE students did so as well (IES, 2012).

Unless domestic and international law students can learn to study effectively across cultures, they may not be job-ready for the GLSI's cultural diversity. The ABA Revised Standards and Paralegal Guidelines mark a paradigmatic shift toward recognizing cultural sensibilities but are notably silent about teaching paradigms aimed at how to practice cultural and legal diversity. The rhetoric in the 2014-2015 Revised Standards for law schools and the 2013 Paralegal Guidelines commit to fostering a culturally-sensitive academic atmosphere absent directives for culturally-competent curricula. The 2014-2015 ABA Standard 206, Interpretation 206-2, and Standard 307 provide the cultural mandates for law schools.[71] The 2013 ABA Guideline G-204

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[71]**Standard 206. DIVERSITY AND INCLUSION**
(a) Consistent with sound legal education policy and the Standards, a law school shall demonstrate by concrete action a commitment to diversity and inclusion by providing full opportunities for the study of law and entry into the profession by members of underrepresented groups, particularly racial and ethnic minorities, and a commitment to having a student body that is diverse with respect to gender, race, and ethnicity.
(b) Consistent with sound educational policy and the Standards, a law school shall demonstrate by concrete action a commitment to diversity and inclusion by having a faculty and staff that are diverse with respect to gender, race, and ethnicity.
Interpretation 206-2
In addition to providing full opportunities for the study of law and the entry into the legal profession by members of underrepresented groups, the enrollment of a diverse student body promotes cross-cultural understanding, helps break down racial, ethnic, and gender stereotypes, and enables students to better understand persons of different backgrounds… The commitment to providing full educational opportunities for members of underrepresented groups typically includes a special concern for determining the potential of these applicants through the admission process, special recruitment efforts, and programs that assist in meeting the academic and financial needs of many of these students and that create a favorable environment for students from underrepresented groups.
Standard 307. STUDIES, ACTIVITIES, AND FIELD PLACEMENTS OUTSIDE THE UNITED STATES
(a) A law school may grant credit for (1) studies or activities outside the United States that are approved in accordance with the Rules of Procedure and Criteria as adopted by the Council and (2) field placements outside the United States that meet the requirements of Standard 305 and are not held in conjunction with studies or activities that are approved in accordance with the Rules of Procedure and Criteria as adopted by the Council.
(b) The total credits for student participation in such studies or activities may not exceed one-third of the credits required for the J.D. degree (ABA 2014-2015 Standards, 2014).

provides the directive for paralegal programs.[72] "[A]ll forms of (legal) practice have potential global implications" (Upham, 2014, p. 108). Despite the ABA's lack of direction, law schools and paralegal programs must engender systematic awareness of cultural perspectives to prepare law and paralegal students to effectively represent clients in the multicultural, global legal environment (Curcio, Ward & Dogra, 2014). To do so is problematic. The legal and social culture of the U.S. differs dramatically from that of other countries.

Americanized legal culture vs. comprehensive internationalization. "Legal culture…is one way of describing relatively stable patterns of legally oriented social behaviour and attitudes" (Nelken, 2004, p.1). U.S. legal culture is decidedly Americanized (Upham, 2014). "Like culture itself, legal culture is about who we are not just what we do" (Nelken, 2004, p.1). U.S. law and paralegal courses of study are motivated by the culture of the American legal system (Brostoff & Sinsheimer (2013). The Americanization of U.S legal education is driven by scholars, lawyers, the judiciary, and legislatures' desires to "Americanize" other jurisdictions (Upham, 2014). U.S. legal education's "Americanized" posture looms antithetical to prominent movement in higher education as a whole toward "comprehensive internationalization". The NAFSA

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[72]**G-204** The institution must maintain equality of opportunity in its education program and must adhere to all laws prohibiting discrimination or segregation on the grounds of race, color, religion, national origin, age, sex, disability, or sexual orientation.
>A. The institution must have appropriate policies and procedures to ensure compliance with laws prohibiting discrimination.
>B. The institution and the program must encourage diversity and take proactive steps to encourage recruitment and retention of a diverse faculty, staff, and student body.
>C. The institution and the program must take proactive steps to prevent discrimination in student services including the process for job and internship placements (ABA Paralegal Guidelines, 2013).

Association of International Educators' Report (Hudzik, 2011) defines the concept of

comprehensive internationalization recognizes the importance of globalized knowledge:

> Comprehensive internationalization is a commitment, confirmed through action,
>
> to infuse international and comparative perspectives throught the teaching,
>
> research, and service missions of higher education. It shapes institutional ethos
>
> and values and touches the entire higher education enterprise. It is essential that
>
> it be embraced by institutional leadership, governance, faculty, students, and all
>
> academic service and support units. It is an institutional imperative, not just a
>
> desirable possibility.
>
> The global reconfiguration of economies, systems of trade, research, and
>
> communication, and the impact of global forces on local life, dramatically expand
>
> the need for comprehensive internationalization and the motivations and
>
> purposes driving it. (p. 6)

Legal culture deterrents and GLSI perspectives. The majority of the world's

law schools are located in the U.S. Systemic deterrents in U.S. legal culture inhibit

comprehensive internationalization in U.S. legal education: Each state exercises

ultimate control over legal education institutions and legal practice in that state (Upham,

2014); The "American legal profession is radically unified…Qualified jurists shift

relatively easily from the private bar, to the judiciary, to government service…and to

academia" (p. 97); lawyers govern the U.S. (e.g., almost 50% of the U.S. Congress and

over 50% of the U.S. Senate are lawyers and lawyers dominate state legislatures); the

size, diversity and quality of U.S. legal education is unparalleled in the world; and U.S.

legal education is in crisis and chaos (Harper, 2013).

From 1988-2008, the number of the US largest law firms on the "National Law Journal 250" (NLJ 250) list with overseas offices nearly doubled and the number of overseas offices supported by NLJ 250 list firms nearly quadrupled. Lawyers working in the firms' overseas offices increased by nearly twelve-fold (Silver, 2011). So far, U.S. legal education only marginally impacts U.S. based international firms' hiring protocols. More than half of the lawyers working for US firms in foreign countries (host countries) are lawyers trained in the host countries with no U.S. law expertise. Of the host country lawyers, 16% have no U.S. legal education (Silver, 2011). As of 2011, U.S. based international firms were hiring mostly host-country licensed lawyers knowledgeable in host-country business and law while maintaining a small number of U.S. licensed lawyers on staff (Silver, 2011).

Legal education and global citizenry. Christopher Edley, former Dean of the University of California, Berkeley School of Law affirms the production of "global citizens" is a core task of a "great" law school (Edley, 2012, p. 313). Generally, multicultural education in higher education values diversity in the classroom (Gay, 2004) with a goal to enable students from diverse racial, ethnic, class, and cultural groups to reduce ethnocentric attitudes and stereotypes and effectively participate in democratic society (Halvorsen & Wilson, 2010; Schugurensky, 2010). Multicultural education is a movement for societal transformation (Gorski, 2010) and, according to the National Association for Multicultural Education ("NAME"), built on the ideals of freedom, justice, equality, human dignity (NAME, 2016) and ethnic diversity in an interdependent world (Banks, 2004). Yet, U.S. legal education remain in hiatus, largely outside of post-secondary education's call for expansive multicultural education. Still, a foundational

movement toward training students in cultural and human rights issues is emerging, particularly in clinical legal education (Sullivan, et al., 2007; Bard, 2011). In 2001, borrowing from multicultural training practices refined in medical schools, City University of New York (CUNY) School of Law first employed the *cultural sensitivity model* [73] to teach clinical law students to self-reflect about how their personal cultural experiences affect interpretation of client interactions (Bryant, 2001).

Since 2001, the CUNY legal clinic has adapted the *cultural sensitivity model* to become the *cultural sensibility* framework that 1) examines how cultural background affects personal perceptions, beliefs, and actions; 2) focuses on student understanding of cultural complexities while developing constructive and positive interpersonal skills; and 3) measures student willingness to self-reflect about personal cultural perspectives, behaviors, and attitudes (Karnik & Dogra, 2010). Teaching law students to recognize that personal cultural backgrounds and perspectives influence interpretation of legal rules (Bryant, 2001) avoids lawyering behaviors based on cultural superiority (Gevurtz, 2013). CUNY has further expanded its cultural competence training through a joint project with Yale University Law School that addresses "the role culture places in lawyering" in order to "avoid cultural blinders and recover from cultural blunders when they occur…(and) explores ideas that clinical teachers can use in teaching about issues of difference, identity, bias and stereotyping" (Bryant, 2007, p. 33).

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[73] When early health care research yielded significant health outcome disparities related to patients' race and ethnicity (Gevurtz, 2013), a *cultural competence model* evolved that expected students to communicate with sensitivity to patient perspectives, develop culturally aware treatment plans (Jacobs, 1997), and acquire attitudes sympathetic to different cultural beliefs and practices (Karnik & Dogra, 2010). As a refinement of the model, medical educators have instituted the *cultural sensitivity/cultural humility* model that teaches medical students to be self-reflective about personal biases and stereotypes as they develop treatment plans favorable to patients' cultural backgrounds (Bliss, et al., 2011).

Digital technology, cross-cultural competency, and Second Life. The CUNY

and Yale cultural sensitivity projects are not digital-technology based. In contrast, the

University of Dayton (DU) School of Law and

North Carolina State University School of

Management extensively use virtual reality in

cultural sensitivity training. At the DU School

of Law, students engage in cross-cultural

dispute resolution activities using *Facebook,*

Image credit: (NCSU, 2008)

Skype, online case managements systems (CMS's) and *Second Life* (Seielstad,

2012).[74]

Second Life significantly increases "opportunity for cultural exchange and

immersion (in) extraordinary…virtual worlds (and) a kind of…study abroad

experience…travelling across continents, jurisdictions, and time zones" (Seielstad,

2012, p.100). The North Carolina State (NCS) College of Management visually

documents its Second Life cross-cultural program.[75] The CUNY/YALE and NCS

programs (Seielstad, 2012) increase cross-cultural competency and lessen cultural

barriers by allowing students to decide the extent that their avatar portrays their true

cultural identities, (i.e., race, gender, physical shape, and style of clothing):

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[74] Second Life is an immersive 3D environment where, through self-designed avatars, students learn in virtual classrooms, engage in individual and group activities, create communities, and make, sell, and trade items and services (Lastowka & Hunter, 2006). Second Life is an effective 3-D platform because: (1) Users have the power to create the contents within the virtual world; (2) Users have broad rights to what they create; (3) The created contents can be converted into real-world capital; and wealth; and (4) Users collaborate and network (Ondrejka, 2006**)**

[75] In its YouTube video, **"Second Life: NC State Classes Go Virtual!",** the institution cameos the business courses developed on a 3D platform focused on culture from management perspectives, cross-cultural marketing research, and practical skills for students interested in conducting real-life business in a particular country (NCSU, 2008).

[V]irtual worlds with their own cultures and subcultures, class and status, and

modes of interacting, force one to recognize the importance of context in

interpreting meaning from experience…[I]t is easy to connect with people from

around the world, on any given subject, political, social, legal, and engage in

detailed discussion and debate, drawing from and making comparisons between

each person's local reality. (p. 101)

The CUNY/YALE & NCS professors are some of the very few U.S. legal

educators currently immersed in online technology. Legal educator resistance toward

distance education is normative despite the likelihood for online legal educators like W,

S, and L to have students who took undergraduate online classes. In 2012, 5.5 million

students took at least one online course (Kolowich, 2014). Of the 5.5 million, about 2.6

million were enrolled in fully online programs (Straumsheim, 2014). The U.S. publishing

industry is at the forefront of meeting student demand for more digital technology in

education: Legal textbooks in print are soon to be extinct.

Protean Challenge: Online Design and Delivery Conundrum

Publishers of legal treatises, law firms and court systems' transition to online

protocols inevitably leave legal educators fewer avenues available to ignore digital

technology paradigms.

The law casebook extinction. The legal publishing oligarchy, Thomson

Reteurs,[76] LexisNexis, and Wolters Kluwer, spearheads the initiative phasing out hard-

copy textbooks, the mainstay of legal education throughout the centuries of Wythe,

Langdell, and Turner (Ginsborg, 2011). Thomson Reuters, now parent company of

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[76]The oligarchy controls 85% of North America's legal publishing market valued at $4.4 billion (Ginsborg,
2011).

West (originally known as West Publishing), no longer publishes any hard-copy casebooks.[77] Digital legal textbooks incorporate links to online audio and video recorded lectures, simulations, and interactive exercises. However, digital resources for legal education are less high-tech than those for other post-secondary disciplines where textbooks are augmented with interactive images, video, audio, 3-D animations, and assessment tools (Pearson, 2012).

Eclectic legal education technology. Generally, law schools are not equipped to teach the new skills necessary for graduating lawyers to practice in technology-driven law offices (Binford, 2014), and the digital textbooks and linked online supplemental material may provide little hands-on legal job-skills training. When legal educators incorporate digital technology, it is rarely in the process of design and delivery of online legal courses. Moreover, even where substantial online resources are available, legal educators have historically rarely used them.

In 1982, Harvard Law School and the University of Minnesota Law School incorporated the Center for Computer-Assisted Legal Instruction (CALI) to publish digital interactive tutorials. Now, CALI hosts over 950 online interactive tutorials available for more than **thirty-five law subjects**[78] and is working toward offering law faculty and students free online casebooks.[79] Yet, over 30 years after CALI began, few law

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[77]In addition to publishing digital textbooks, Thomson Reteurs sells its electronic legal research database (WestlawNext), online course management program (TWEN), law practice management software, adaptive learning software (BarBri's AMP), and digital curriculum sharing software (Law School Exchange) (Smith, 2013).

[78] Westlaw provides links to CALI lessons in its course management program, TWEN, to afford integration of CALI lessons into courses, and provide free e-books for legal education,[78] digital legal forms for legal aid clinics, free online courses, and social media programs for polling and blog management (Binford, 2014; CALI Lessons, 2014).

[79] CALI proposes creation and sharing of 100 free casebooks online at an estimated savings to law students of $150 million. According to CALI's proposal, one professor from each of the 202 accredited

professors currently integrate CALI materials into course design, leaving law school

curricula largely devoid of relevant digital technology resources (Binford, 2014).

Legal educators have been equally reticent to expose students to digital tools now

regularly used in U.S. law firms and court systems. Characteristically only students

enrolled in law clinic courses regularly receive training in how to effectively use online

legal databases, (e.g., Westlaw and LexisNexis), digital imagery, email, the internet,

digital citation programs, adaptive learning programs, (e.g., Core Grammar for

Lawyers), law practice management software, and e-discovery (Rubin, 2012; Thomson,

2009; Stuckey, 2007). Admittedly, legal educators may be hampered by the reality that

access costs for these digital tools are too steep for already strapped facility budgets.[80]

Legal educators also shun free, open-source online resources.

   Legal educators' reticence to use open source material. Free, open source

materials are abundantly available to assist in online legal education course design. An

online search on youtube yields 414,000 videos on law and legal studies topics, many

of them featuring professors from law schools and legal studies departments at major

US universities (Youtube, 2017). However, the legal community as a whole remains

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law schools will receive a stipend or leave from teaching a course to participate in collaboratively writing the casebooks.

[80] Law programs do commonly access digital tools in one area: remedial writing. Law students lack basic writing skills (Binford, 2014). Law professors use online tutorials to address the widespread deficiencies. Speaking at an ABA Conference in January, 2013, University of Minnesota Law Professor, Michele Goodwin, noted:

> According to some conference participants, students' writing skills are the worst they have ever encountered. One professor at a top-20 law school recently confided that he has to teach his students how to write business letters. A professor at another elite school complained that grading exams is far more difficult now because the writing skills of students are so deficient that each exam requires several reads. (Weiss, 2013, p.1).

disinterested in open source digital tools.[81] W. Warren H. Binford, Associate Professor

of Law at Williamette University College of Law identifies three reasons for the

reticence: 1) legal education's commitment to Langdellian methodology and academic

institutions' emphasis on professorial scholarship above teaching; 2) decisions to let

faculties in other educational disciplines expend funds to develop and experiment with

digital tools and methodology (conserving limited law school resources); 3) legal

educators' fear of becoming obsolete or if not obsolete, belief that legal education

transformation will be so slow, retirement will occur before obsolescence (Binford,

2014). In any event, legal educators who are transitioning to online teaching like W, S,

and L continue to borrow adult learning paradigms from outside legal education.

Adult learning paradigms for online legal education.   Susskind's litany of

21st Century legal industry jobs of the future brings new complexity to the maxim: Teach

students to think and act like lawyers. Even before the ABA's sweeping amendments, a

small number of legal educators have borrowed adult learning theories from mainstream

post-secondary education to teach legal doctrine and practical legal job skills in more

dynamic and collaborative ways (Casey, 2014).   Active learning protocols are the most

prevalent.

Devolution of Langdellian active learning.   Legal education teaching

paradigms that reach beyond legal pedagogy to deliver skills-based instruction are

characteristically categorized as "active learning", a catch-phrase for a popular

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[81] By 2012, Salmon Khan's Khan Academy had delivered over 240 million lessons (Gates, 2012). From 2006-2013, only one law professor had contacted Khan Academy about offering open-source legal lessons (Binford, 2014). In contrast, medical school professors from Harvard and Stanford have been in contact with Khan Academy seeking collaborative educational opportunities (Binford, 2014). Khan Academy still does not provide any law or legal studies lessons of any kind (Khan Academy, 2015).

> *"Tell me and I forget.*
> *Teach me and I remember.*
> *Involve me and I learn."*
> *-- Benjamin Franklin*

instructional approach in education (DeGroff, 2012; McKeachie & Svinicki, 2011). Active learning is involved learning, encouraging students to learn by doing (Bolliger & Armier, 2013) through discussions, skills training, and lab activities that enhance student motivation (Svinicki & McKeachie, 2011) and engagement (Umbach & Wawrzynski, 2005).   Langdells' casebook method and Socrates dialogic instruction Langdell emulated are prime examples of active learning despite the modernized corruption.[82] The method's ancient origins and Langdell's envisioning for legal education constitute active learning delivered without personal affront. The case analysis protocols at the core of Langdell's dialogue with his class has come to be known as "IRAC" (Issue, Rule, Analysis, and Conclusion).[83] Marshall (2005) relates how Langdell's "IRAC" echoes Plato's original dialogues that recorded the lively collaboration and mentally stimulating questions and answers exchanged between Socrates as instructor and Meno as Socrates' student:

> As to form, Socrates asked a series of related questions and the student
>
> answered them. Each question was responsive to the student answer to the
>
> preceding question…As to structure, the typical Socratic dialog had four stages.
>
> In the first, Socrates asked questions until a student answer contained an
>
> assertion which Socrates deemed a misconception. In the second, Socrates

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[82]Legal pedagogy, (Landgell's Socratic method, as adapted for use in 20th and 21st Century law schools), teaches legal doctrine and rules using casebooks containing state court and federal court appellate decisions. The modernized permutations of Langdell's Socratic casebook method have devolved into a passive-aggressive confrontation that can hardly be characterized as motivational learning or active learning (The Princeton Review, 2014).

[83] "IRAC", the acronym for case analysis, is the process of trying to understand an appellate court decision by first identifying the issue(s) and the applicable rule(s), proceeding forward to match facts to the law in an analysis or application, and then to reach a conclusion: — Issue, Rule, Analysis, and Conclusion, or "IRAC" (Miller & Charles, 2009).

asked a series of questions designed to lead the student step by step toward

realization that his statement was erroneous and why. The third stage was a

discovery and acknowledgment by the student that his statement was

misconceived. In the fourth, Socrates asked a final series of questions which

helped the student discover the relevant valid assertion. (p. 11)

Langdell expected his students to proactively accept responsibility for their own

learning through active search and inquiry processes as opposed to passive

memorization and absorption of the rules and statutes (Kimball, 2004). Langdell's

active learning paradigm enabled his students to:

- Investigate original sources (i.e. actual cases as written by the judges deciding them) without the benefit of pre-digested "headnotes").
- Examine all opinions about the sources.
- Develop reasoning autonomy.
- Develop capacity to interpret sources through questioning.
- Criticize Langdell's views along with their own views.
- Realize freedom to revise views knowing Langdell expected and encouraged it.
- Freely acknowledge changing views as the case dialogue progressed (Kimball, 2004).

As the true father of the active learning "flipped classroom", Langdell's learning

protocols were astonishingly innovative. Despite the flipped classroom's Langdellian

origins, instructors outside of legal education give no credit to the revered 19th Century

Harvard law professor.

Revival of Langdell's flipped classroom. Since 2012, a purportedly "new"

active learning method has created a noticeable sensation: The flipped classroom. Two

high school science teachers, Jonathan Bergmann and Aaron Sams, claim to have

pioneered the method in 2007 to help students who missed class make up their work (Bergmann & Sams, 2014; Bergmann & Sams, 2012). In flipped courses, homework becomes classwork and classwork becomes homework.[84]

Christopher Langdell held the first flipped classroom in 1870 even though he did not call it that (Ernst, 2014). Like Bergmann and Sams, Langdell did not lecture in his 1870 contracts classes. Not having the benefit of online media sources, the legal casebook was the flipped-media "lecture" introducing Langdell's students to selected appellate cases. Outside of class, Langdell's students read and analyzed assigned cases to find facts, legal issues, opinions and rationale and then engaged in collaborative in-class analysis with Langdell as facilitator.

Socratic online flipped platforms. In the seven years since Bergmann and Sams claim to have introduced the flipped classroom concept, this blended, active learning approach has become nothing short of a "designer pedagogy". Law schools and legal educators are holding seminars on it, (*see, e.g.,* **2014 LegalED Conference** [LegalED, 2014), and individual legal educators are supplementing classroom time with outside-of-class video lectures and online study materials (see, e.g. Upchurch, 2013; Harvard Law School, 2015). Legal educators are re-evaluating how to extrapolate from Langdell's original flipped classroom design to teach first year law students. A few instructors have attempted "flipping" an online class in entirety.

During synchronous online Socratic method law classes, students log into a "live" chat room where the instructor types a posed question or controversial argument and all

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[84] In the typical "flipped" paradigm, students watch **online video lectures,** demonstrations, and assignment explanations about new educational material outside of class instead of listening to class lectures. During class time, the instructor acts as a facilitator for collaborative in-class "homework" assignments, discussions and projects, clarifying assignments and helping students one-to-one assimilate the new material (Jamaludin & Osman, 2014).

students type responses, or the professor engages students during a real-time, video-conference (Hlinak, 2014). During asynchronous discussions, the law professor posts an initial question or controversy to which students respond over several days. The professor sporadically poses further questions to challenge the students' positions and provide opportunity for deeper reflection. The students conduct research to support their positions, and the accumulated discussion board entries become an additional text in the course (Hlinak, 2014). The instructor may also use additional digital tools to post questions, video, and other data online to which students respond by webcam video, typed text, and voice phone calls. For example, the instructor may use **VoiceThread** where students' video or audio responses are limited to three minutes, necessitating preparation of succinct oral discourse (Ward, 2012). [85]

Research proponents of both asynchronous and synchronous Socratic methods find study participants report the intimidation experienced in face-to-face Socratic questioning disappears online, online discussion boards are more effective than classroom dialogic questioning, and every student takes part, (not just the single student grilled by the professor) (Hlinak, 2014; Custin & Barkaecs, 2010). However, empirical studies show both the Socratic casebook method and flipped classrooms are prone to bore students. During synchronous online formats, law students who are listening to a law professor engaged in a lengthy IRAC dialogue with a single law student may become distracted and lose interest (Hlnik, 2014). Students learning material in video lectures and demonstrations before class become bored using the material in class (Strayer, 2012). On the other hand, screencast video technology nets

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[85]Award-winning online legal educator Russ Meade uses VoiceThread to elicit **student response** in an entirely online business law class (Meade, 2015).

impressive academic achievement and behavioral improvement (Flumerfelt & Green, 2013), and interactive online videos are more effective than in-person lectures (Bishop & Verleger, 2013). Critics argue asynchronous discussion boards cannot replace live classroom dialogue (Myers, 2013), instructors provide too little input into asynchronous Socratic discussions--reducing them to nothing more than an open-ended debate about student viewpoints (Arend, 2009), the design and delivery of the asynchronous curriculum fails to dispel online learner's anxiety, and the written dialogical process fails to motivate students (Nehme, 2010).

On the other hand, "[a]rguably the asynchronous online discussion can be seen as the highest form of Socratic Dialogue" enabling large groups of students to participate, hone written research, presentation, and debate skills, develop confidence and ability to defend a position in an online medium that provides skills assessment and a permanent written record of the dialogue" (Kingsley, 2011, p. 328). Still, Socrates recognized the shortcomings of non-verbal learning. In approximately 370 B.C., Plato relates Socrates' dialogue with his friend, Athenian aristocrat, Phaedrus:

> **Socrates:** …[W]riting is unfortunately like painting; for the creations of the painter have the attitude of life, and yet if you ask them a question they preserve a solemn silence. And the same may be said of speeches. You would imagine that they had intelligence, but if you want to know anything and put a question to one of them, the speaker always gives one unvarying answer. And when they have been once written down they are tumbled about anywhere among those who may or may not understand   them, and know not to whom they should reply, to whom not: and, if they are maltreated or abused, they have no parent to

protect them; and they cannot protect or defend themselves… Is there not

another kind of word or speech far better than this… I mean an intelligent word

graven in the soul of the learner, which can defend itself, and knows when to

speak and when to be silent.

Phaedrus: You mean the living word of knowledge which has a soul, and of

which written word is properly no more than an image?

Socrates: Yes, of course that is what I mean… (Plato Tr. Scully, 2003, 274 ff).

For Plato's Socrates, writing is a text that "does not know its audience (and a) flat

representation of reality" (Myers, 2013, n.p.n.). Similarly, Gadamer reflects "Writing is

self-alienation. Overcoming it, reading the text, is thus the highest task of understanding

(1990, p. 390) (where) [n]othing is so strange, and at the same time so demanding, as

the written word" (1990, p. 163). "[T]he written word "has severed its ties with the

feeling, effort, and dynamism of thought…[t]he breath, song, and rhythm are over and

the figure takes their place" (Ricoeur, 1976, p. 40). Similarly, any word once written on

the discussion board "live[s] forever in the cyber-sphere...(and) [t]here it will speak

without the benefit of our correction" (Myers, 2013, n.p.n.).   In contrast, verbalized

Socratic dialogue rescues knowledge from misunderstanding through the

conversational give and take of "question and answer, dialogical proposal,

consideration, acceptance or rejection, correction and proceeding with a new proposal"

(Myers, 2013, n.p.n).

Harvard Law School's flipped classrooms. In October, 2007, Harvard's

faculty voted unanimously to phase in three new first year law courses that employ adult

learning paradigms and flipped classroom techniques. The new courses supplement

the first year contracts, torts, civil procedure, criminal law, and property law curriculum

(Harvard Magazine, 2007; Harvard Law School, 2015). One of the new courses,

"Problems and Theories", teaches students how to negotiate, theorize about problems,

devise solutions and think like clients. While the course still employs some Socratic

questioning, it emphasizes problem-based learning and flipped classroom techniques

including role playing, brainstorming in small groups, and mock litigation.[86]

   Testing the flipped classroom design. Whether contemplated for use in

blended HE learning environments or entirely asynchronous or synchronous online

platforms, Langdell's Socratic method and flipped classroom permutations languish for

lack of persuasive empirical testing. Three studies during this decade have tested

flipped classroom student engagement levels. Empirical research conducted by Reeve

(2013), Reeve and Tseng (2013), and Jamaludin & Osman (2014) find four engagement

factors (behavioral, emotional, cognitive, and agentic), must be present for meaningful

"flipped" learning.[87] "Engagement represents the range of action students take to

advance from not knowing, not understanding, not having skill, and not achieving to

knowing, understanding, having skill, and achieving" (Reeve, 2013, p. 580).

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[86]Additionally, first year students choose from one of three problem-based international/comparative courses: public international law, international economic law, and comparative law (an introduction to legal cultures different from the U.S.). The third required course, "Legislation and Regulation" addresses problems associated with agency law-making in public welfare areas including environmental protection, food and drug law, and consumer protection. To increase problem-solving and skills-based learning, all first-year students also take a problem solving workshop confronting real-world challenges, complex fact patterns, and diverse bodies of law (Harvard Magazine, 2007).

[87]Behavior engagement occurs when students interact in the performed activities and is gauged by measuring student satisfaction and achievement, time on task, and social and academic integration. Emotional engagement occurs when instructors intentionally select materials that stimulate student interaction and feedback (Taylor & Statler, 2013). Cognitive engagement occurs when teachers skillfully ask questions and students elaborate an idea in an answer (Smart & Marshall, 2012). Agentic engagement occurs when learning is student-directed and the lecturer provides instructional support (Reeve & Tseng, 2011) and students self-initiate cooperation with the lecturer's instructions before the in-class learning activities take place (Reeve, 2013).

Reeve & Tseng (2011) and Reeve (2013) initially found all four engagement factors present in the flipped instructional design courses studied. Building on Reeve and Tseng's research, Jamaludin & Osman (2014) also found the four factors present when the instructional design students engaged in flipped classroom learning but suggest that for meaningful active learning to occur, emotional engagement is the most important factor. Yet, results from an empirical pilot study conducted by professors at Harvey Mudd College are far less positive (Lape et al., 2014). Professors sampled students' ability to transfer knowledge to a problem, student attitudes toward learning, and ability to demonstrate learning on exams. Using the same instructional material as much as possible, each professor taught a "flipped" section and a traditional section of the same course. The Harvey Mudd professors have preliminarily found flipped classrooms do not create more time for active learning, group work, or project-based learning or reap other benefits derived solely from the flipped model (Lape, et al., 2014). Flipped classroom detractors challenge that flipped classroom strategies fail because of lack of facilities, internet accessibility, or effective models (Davies, Dean & Ball, 2013), environmental factors, and lack of student or professor understanding of the process (Kettlewell, Southcott, Stevens, & McCrone, 2012).

Legal skills training: Impediments and compliments. "Skills instruction…is about what law delivers more than what it promises and legal education always has been concerned more with promise than delivery…(with) intellectual understanding, and the skills most directly implicated… analysis and research" (Condlin, 2014, p. 25). Despite the 2013 and 2014 ABA mandates for professional, practical, and technical skills instruction as well as doctrinal and foundation coursework, whether legal

educators can currently produce fully skill-trained graduates remains unresolved. University of Maryland Law Professor, Robert Condlin observes:

> Law schools cannot teach students how to find mentors, coordinate paralegal assignments with other lawyers, share secretaries with partners, secure the best work assignments, or do any of the dozens of other such practical tasks that are needed in firms… These are situation-specific skills that require local knowledge, on-site experience, and insider help, and law schools cannot reproduce the circumstances and conditions in which they are learned. They cannot recreate the complex personal histories, institutional arrangements, power structures, practical incentives and constraints, and the like, that characterize even the simplest law firm practice setting… and to insist that they do that is a little like insisting that they suspend the laws of physics. (Condlin, 2014, p.19).

Any professional skills training a law school may introduce is constrained by the J.D. degree three-year short time frame that is insufficient to "observe, imitate, reflect on, and internalize the skills and values of professional practice to any substantial extent" (p. 16).

Adult learning theories in legal education: Historical use. Whether Condlin is right or not, for many decades prior to the ABA's 2013 and 2014-2015 revisions, some legal educators have effectively embraced active learning principles borrowed from adult education paradigms to teach legal job skills. Vanderbilt University law professor Frank Bloch wrote a groundbreaking article in the early 1980s describing the application of Malcolm Knowles' andragogical theory of adult learning to clinical legal education (Bloch, 1982):

Knowles' 5 Assumptions Of Adult Learners.

1. Self-concept. As a person matures his/her self concept moves from one of being a dependent personality toward one of being a self-directed human being.

2. Adult Learner Experience. As a person matures he/she accumulates a growing reservoir of experience that becomes an increasing resource for learning.

3. Readiness to Learn. As a person matures his/her readiness to learn becomes oriented increasingly to the developmental tasks of his/her social roles.

4. Orientation to Learning. As a person matures his/her time perspective changes from one of postponed application of knowledge to immediacy of application, and accordingly his/her orientation toward learning shifts from one of subject-centeredness to one of problem centeredness.

5. Motivation to Learn. As a person matures the motivation to learn is internal (**Knowles** 1984, p.12).

Knowles applied his 5 assumptions about adult learners to his 4 principles of the adult learning theory he coined "andragogy":

Knowles' 4 Principles Of Andragogy

1. Adults need to be involved in the planning and evaluation of their instruction.

2. Experience (including mistakes) provides the basis for the learning activities.

3. Adults are most interested in learning subjects that have immediate relevance and impact to their job or personal life.

4. Adult learning is problem-centered rather than content-oriented (Kearsley, 2010)

Legal scholars have given Bloch's application of andragogy to the law clinic teaching environment early praise (Bloch, 1982; Quigley, 1995). Yet, detractors argue andragogy cannot be effectively applied to legal learning. In 1999, Linda Morton, Janet Weinstein, and Mark Weinstein, all professors of law at California Western School of Law, criticized Bloch's andragogy application because he assumed law students are "adults" (Morton, et al., 1999). "[T]he fields of psychology, sociology, human

development and education have examined adulthood as a concept but offered no uniform working definition of 'adult'" (Morton, et al., 1999, pp. 491-492).

Rejecting andragogy, Morton and her colleagues adopted Patricia Cross's cognitive and developmental "adult" model that identifies adult behavior, thinking, and learning through examination of personal characteristics (e.g., physiological age, life phase, psychological development stages) and situational characteristics (e.g., whether the learning environment is voluntary, involuntary, part-time or fulltime) (Cross, 1981). Applying Cross's "adult" model, Morton and her colleagues found developmentally advanced law students better succeed in self-directed, experiential learning environments than in andragogy-based courses (Morton et al., 1999).

Experiential and problem-based learning designs. While Bloch (1982) and Morton, Weinstein and Weinstein (1999) provide notable prerequisites to developing teaching practices beyond the Socratic Method, they provide insufficient direction to meet the ABA's 2013 and 2014-2015 rigorous demands that legal educators like Jeff, Ann, and Ted immediately design and develop skills-based learning environments that adopt experiential and problem-based learning techniques tailored to legal education.[88] The ABA revisions for law school accreditation require student immersion in both actual and simulated professional environments and experiences:

> **REVISED STANDARD 303 CURRICULUM**
> (a) A law school shall offer a curriculum that requires each student to satisfactorily complete at least the following:

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[88] Historically, law school in-house law clinics and externships have provided experiential learning and "pedagogically sound, properly supervised models for educating law students" (Maranville, 2011/2012, p. 558). However, only a small portion of law students take law clinic classes or participate in an externship. Designing educational models and experiential opportunities that extensively expose all students to real-world lawyering is fundamentally problematic.

…(3) one or more experiential course(s) totaling at least six credit hours. An experiential course must be a simulation course, a law clinic, or a field placement. To satisfy this requirement, a course must be primarily experiential in nature and must:

> (i) integrate doctrine, theory, skills, and legal ethics, and engage students in performance of one or more of the professional skills identified in Standard 302;
> (ii) develop the concepts underlying the professional skills being taught;
> (iii) provide multiple opportunities for performance; and
> (iv) provide opportunities for self-evaluation.

> (b) A law school shall provide substantial opportunities to students for:
>> (1) law clinics or field placement(s); and
>> (2) student participation in pro bono legal services, including law-related public service activities (ABA, 2014).

Law practice in the real legal world is inherently indeterminate, uncertain, and unpredictable. Nonetheless, pre-dating the ABA 2014-2015 Revisions, a few bold law professors have taught legal job skills through active learning, experiential learning and problem-based learning paradigms.[89]

St. Thomas University School of Law offers active learning sessions (the AL program) for first year law students (Moore & Sullivan, 2011). In 2011, researchers published a three-year study of 806 first year law students who voluntarily participated in the AL program in addition to first year classes, (i.e., civil procedure, contracts, property, and torts). The study examines whether the AL program affects law school grade point average (LGPA). The AL instructors teach case briefing, time management, statutory interpretation, short essay writing, effective multiple choice question response, and outlining. To accommodate diverse learning styles, AL sessions include small group collaboration, worksheets, clicker response systems, practice exams, and extensive feedback. Holding other factors constant that could affect law school grades, (e.g.,

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[89] Experiential learning "promotes the activation of prior knowledge as new knowledge and its reconstruction is integrated into existing schemata" (Smith, 2005, p. 358). The terms "experiential learning" and "problem-based learning" (PBL) are often used interchangeably (Scherpereel & Bowers, 2006).

LSAT scores, undergraduate GPA, gender, ethnicity, age, undergraduate major, type

and rank of the undergraduate school attended), the researchers have found a student

attending all the AL sessions is expected to earn a cumulative first-year LGPA 0.47

grade points higher than a student attending none of the sessions (Moore & Sullivan,

2011).

   Experiential learning and "practice-ready" attorneys. While the St. Thomas

AL program teaches skills that may well tangentially benefit students' future jobs in the

legal industry, the program targets pre-graduation learning achievement. Other legal

educators have gone further, applying problem-based and experiential learning theories

to provide students actual or simulated professional skills training during course work.

The interactive casebook, *Contemporary Approaches to Trusts and Estates (*2nd ed.

2014) exemplifies how traditional law courses can be transferred to hands-on learning

experiences. The practice of trusts, wills, and estates law has traditionally been a

mainstay in both large and small law firms and presents acutely human issues that

characteristically involve one or more attorneys in a firm as well as paralegals and other

law firm support staff. Utilizing the strengths of their different backgrounds, four law

professors created job-readiness oriented instructional materials integrating "theoretical

and practical legal knowledge and professional identity" (Borison, et al., 2014, p. 727).

The professors' casebook combines focus on the theoretical foundations of trusts and

estates concepts using the Langdellian method and on practical applications that

challenge students to innovatively problem-solve and "analyze the values and skills

associated with being a professional" (Borison, et al., 2014, p. 728). The professors'

active learning techniques include hypotheticals, role-playing, and drafting exercises

"[i]ntegrating practical and skills-based material…(to give) students a better appreciation for how they can apply…legal concepts to the diverse fact patterns…(and provide) a feedback loop that improves legal analysis" (p. 730).[90] The casebook's 2014 revisions include comment boxes, hyperlinks to relevant internet videos, and afford instructors ability to reorder chapters and delete sections in the online version.

The ABA requires law students to engage in real-world experiential learning through law school in-house clinics and externships in the community (ABA 2014-2015 Standards (2014). It is unlikely the current design of law clinics and community facilities can accommodate entire law school student populations in real-law experiences. One answer is a global experience. Students at George Washington University, Georgetown University, and the University of Michigan participate in a real global online law practice before graduation (Burand, et al., 2014). In the summer of 2012, the transactional law clinics in the three schools launched a collaborative effort to jointly provide legal serves to Ashoka,[91] a global nonprofit organization that provides start-up financing, professional support services, and connections to a global network of 3000 social entrepreneurs in 76 countries. Law students collaborate online to provide Ashoka members legal toolkits, research, and business and transactional legal services (Burand, et al., 2014).

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[90]Students are asked to determine the existence (or non-existence) of wills through analyzing hypothetical sets of decedent documents, draft wills, interview a client, write memoranda explaining estate plans, role-play a will execution ceremony, and work in collaborative groups taking on the simulated identities of trust and estate attorneys. The capstone of the skills training requires each student to prepare and execute the basic documents for their own estate plan including a will, durable powers of attorney for financial and health matters, and a living will (Borison, et al., 2014).

[91] Ashoka's members "focus their entrepreneurial talent on solving social problems—why children are not learning, why technology is not accessed equally, (and) why pollution is increasing" (Drayton, 2002, p. 123).

Solving client dilemmas with problem-based learning. Problem-based learning (PBL) patently emphasizes collaborative job skill problem-solving in situated or "real world" scenarios.[92] The "objective of situated learning is the development of sophisticated analytical ability and judgment that cannot be replicated in a theoretical context" (Lave & Wenger, 1991, p. 44). Shultz & Zedeck (2012) identify problem-solving along with analysis and reasoning, creativity/innovation and intellectual judgment as the four key intellectual and cognitive skills necessary for lawyers to effectively represent their clients. PBL affords applications in legal education that build procedural knowledge enabling students to progress from "knowing" to "knowing how" (Voss, 1989, p. 269).

However, there is a critical gap between lawyers and paralegals solving problems for clients in real practice and learning through problem-based modalities in legal education settings (Thomas, 2014). PBL in legal instruction characteristically does not focus on absolute solutions for client problems, a deficit that arguably fails to meet the ABA's job-readiness-on-first-day-of-employment standards. Thus, the value of PBL as professional skills training remains a prospective, introductory look at "real-world situations for the purpose of student acquisition of knowledge of legal principles and

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[92] Originating in Canada's McMaster University medical school and adopted by schools of law, business, engineering, architecture, social work, and nursing, PBL is an inductive learning approach (Sherwood, 2004). Unlike experiential learning where a student does not necessarily interact with other students, during PBL, teams of students engage in solving relevant, unstructured problems and "are expected to define problems, identify related gaps in their knowledge, collect relevant information, and propose solutions…(while) Instructors advise… offering suggestions and direction when needed" (Smith, 2005, p. 358). PBL instruction follows a sequential, structured process where the problem is introduced after unknown terms and concepts are clarified. Then students collaboratively brainstorm a problem analysis and plausible explanations. This is followed by engaging the students' critical thinking processes as they critique their explanations and draft a coherent description of the problem. Then, guided by the instructor/facilitator, students engage in metacognitive thinking to define the learning issues involved in solving the problem and engage in further self-directed study of arising issues. After students' self-directed study, the instructor/facilitator and the students reconvene to debrief the problem solution and share lessons learned (Clark & Mayer, 2011).

how they may or may not resolve legal issues for future clients" (p. 685).

PBL detractors also argue that, just like the Langdellian casebook method, PBL fails to adequately teach analytical professional skills: application, prediction, interpretation, inference, induction, and deduction (Lung, 2009; Bransford & Stein, 1993; Saunders & Levine, 1994). If the PBL design is not carefully structured, students only vicariously analyze problems primarily by hearing and watching other students engage in one-on-one dialogue between a single student and professor. The identical pitfall associated with the Langdellian method (Schwartz, 2001).

Legal educators heavily underestimate the difficulty in enabling transferable knowledge using PBL methods (Lung, 2009).   PBL requires students to learn by analogy and not through apprenticeship experiences[93] (Voss, 1989). Therefore, students are prone to make the supposition that as long as a problem superficially resembles a second problem, the first problem's analysis or solution can be applied wholesale to the second problem even if the first analysis is wholly irrelevant to the second problem (Voss, 1989; Lung, 2009).

Rachel Arnow-Richman, Professor and Director of the Workplace Law Program for the University of Denver's Sturm College of Law has applied PBL principles to restructure her case-law employment and labor law course (2013) with an eye to bringing PBL beyond a simulated learning atmosphere. Her innovative PBL approach makes a problem the entry point for each learning goal in the course and " a framing device for each assignment (where) [a]ll of the content, including the caselaw…(is)

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[93]The Carnegie Report (Sullivan, 2007) warns against teaching via a simulated atmosphere rather than through actual in-the-field legal outcome oriented experiences: "The interdependence of knowledge, skill, and sense of purpose… is difficult to teach or assess through the usual academic techniques, which focus on procedures and techniques out of context…Practical judgment depends on complex traditions of living, which can only come alive through apprenticeship experiences" (Sullivan, 2007, p. 188).

unpacked, distilled, and interrogated through the problem-solving process" (p. 35) to

further advance collaborative, job-readiness training.[94] Arnow-Richman finds her

students exert more effort in preparing for PBL discussions and collaborative exercises

than when they only studied cases, the in-class discussions move more swiftly, and

students intuitively include their knowledge of caselaw in the problem analyses (Arnow-

Richmond, 2013). Arnow-Richman's application of PBL fulfills the three critical success

factors for PBL courses: orienting the students, picking the problem, and forming the

team (Peterson, 2004). Collaborative learning in legal education "requires students to

work interdependently towards…goals" and "appeals to the social reality of legal

practice, which involves clients, opposing counsel, teamwork, and other complex social

dynamics (Zimmerman, 1999, pp. 995, 1000, 1008).

Scenario-based learning in legal education.   Scenario-based learning (SBL)

provides a level of reality beyond PBL. SBL centers on two principles: 1) Learning

takes place squarely in the context in which it is going to be used. 2) Knowledge is best

acquired and more fully understood when situated within its context (Kindley, 2002).

During SBL, students actively seek a solution to an ill-structured or complex problem

through critical thinking and problem solving skills in a safe, real-world learning

environment (Clark, 2013).[95]

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[94]Arnow-Richman divides the class into several groups. Each group revises an actual employee
handbook using language in accord with current employment law appellate decisions. The group also
collaboratively writes a cover letter to a hypothetical employer client explaining the changes necessary
under current case law and workplace changes that may need to be made in anticipation of future
employer-employee disputes and changes in the applicable law (Arnow-Richman, 2013).
[95]During the SBL experience: (1) the learner/actor responds to a job-realistic situation; (2) the
environment is pre-planned; (3) learning is inductive rather than instructive (i.e. the learner engages in
progressively complex experiences through taking action, reviewing responses to the action and
reflecting on consequences of the action; (4) the instruction is guided to "minimize the flounder factor" (p.
6); (5) the scenarios incorporate instructional resources (e.g. virtual coaches, model answers, and
traditional tutors); and (6) the learning goal is to accelerate workplace expertise (Clark, 2013).

Few legal education institutions offer scenario based/situated learning experiences. Boston University School of Law has recently begun using a SBC design to provide job training to first year students. During the week before the 2015 spring semester, Boston's first year law students took a one-hour course learning to negotiate and culminate a transactional-law business deal (Sloan, 2014). In addition to exposure to litigation strategy and practice, by role-playing the plaintiff (owner of medical device technology) and defendant (appropriator of plaintiff's technology) the students are expected to gain experience in contract drafting and litigation avoidance. First year spring semester courses then built on the SBL experience by further incorporating real-world practice simulations (Sloan, 2014). Boston University's SBL program exemplifies how legal educators are gradually easing into focus on professional, practical and technical skills instruction. However, given the ABA 2013 and 2014-2015 mandates for legal educators to immediately and substantively prepare students for GLSI jobs, a one-hour course for first year students seems a shortfall.[96] In contrast, armed with big-government budgets and years of experience to perfect training protocols, the U.S. military is supreme master of SBL.

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[96]While SBL legal experiences provide students with multiple opportunities to sample lawyering tasks and are easier to construct and administer than actual practice experiences, they are "useful mostly for teaching the motor skill dimension of lawyer tasks" (Condlin, 2014, p. 17) and lack "the real life informational content and contextual detail needed to permit students to make the judgments involved in deciding how to proceed in the first instance" (Condlin, 2014, p. 17). For example, students can learn a format for how to directly, clearly, and succinctly question a witness but the simulation remains lacking because it does not take into account real-life variables:

> [S]imulated question asking is to actual question asking what batting practice is to hitting in an actual baseball game. The physical part is the same, but the judgments involved in determining how to proceed are not. Real life questioning must take the other person's emotional and intellectual states into account, as well as the present circumstances that affect the person's willingness and ability to respond fully and accurately to one's questions. Simulated question asking does not provide the information needed to do this (Condlin, 2014, p. 17).

Scenarios and military JAG's. The U. S. military has a long history of training

JAG lawyers and paralegals in the field and in real-time. Unlike civil legal education's

characteristic sedentary case-book approach, JAG training in the field provides a

powerful model for the level of learning that the ABA now requires for civilian law and

paralegal students.[97] Ten years before the ABA instituted its job-readiness

requirements, Brigadier General Dulaney L. O'Roark, Jr. (1994) observed:

> The civilian bar has made a stunning discovery. The legal profession is the only
>
> profession in which you can get a license to practice without knowing how. Any
>
> staff judge advocate could have told the civilian bar that. (n.p)

The immersive training modules covering the basic military law of armed conflict

provide non-linear activities that mimic real-world scenarios.[98] The **"Law of Armed**

Conflict (LOAC) Demo" previews the level of 3D immersive training JAG lawyers and

paralegals receive. JAG FLAG sessions employ equally intense SBL field training. JAG

FLAG (Turner, 2014) focuses on:

> …developing application skills and reinforcing professional ethos (through)
>
> practice in a real-world environment by creating patterns of responses that will
>
> later contribute to a sense of familiarity and control when the graduated student
>
> confronts an actual stressful event. (p. 16)

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[97]The Gauntlet and JAG FLAG, the military's SBL field experiences for lawyers and paralegals, take place after intensive two to three month basic level courses that combine lectures, seminars, and experiential learning. Instructors present PowerPoint slides with lessons gleaned from news headlines and real JAG field experiences. During the basic coursework, both case law review and the Socratic method are rare (Marsh, 2010). During the Gauntlet experience, 20% of students are physically present at the field site and experience the training live. For the other 80% of students at multiple military bases across the U.S., highly interactive virtual-world simulations of the Gauntlet are employed.

[98]Within the Gauntlet virtual world, students engage in discussions with virtual host-nation civilians, facilitate conversation between rival leaders, exercise crowd control, address the media, and engage hostiles. Students explore the virtual armed conflict world as a first person avatar that freely navigates within the environment and performs a range of activities critical to maintaining peace, law, and order in a deployed environment (C^2 Technologies, Inc., 2014).

Law schools and paralegal programs may well benefit from an understanding of the level of effective curricular development, implementation, and guidance evident in JAG training that epitomizes what Clark and Mayer (2011) call "Whole-Task Course Design" (p. 345) and advocate as highly effective SBL pedagogy.[99] "*[W]hole-task instruction* begins the lesson with an authentic work assignment and integrates…needed knowledge and skills in the context of working on that assignment" (p. 345[italics in original]). Whole-task instruction comfortably fulfills the ABA requirements that legal institutions integrate both legal thinking and cognitive skills into real-world job-skills training.

Re-inventing the Legal Education World. Although some legal educators have adopted adult learning methods and customized the protocols for teaching legal principles, thus far, few of these foundational inroads rise to a level that meets the ABA 2013 and 2014-2015 mandates for job-ready graduates and online course delivery. It is too soon to know how much support and direction the legal services industry, the ABA, and legal education institutions will provide to individual legal educators struggling to meet the ABA amendments. No matter the level of support, legal educators are challenged to navigate an unfamiliar world of instructional design and delivery that for most, is exceedingly foreign. The instructors and their students are reciprocally obliged to re-learn how to learn. The global process calls for a far greater amount of instructor self-regulation and student self-regulation than ever before in a climate where law

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[99] Clark and Mayer explain online SBL experiences are most effective when instructors design online scenarios to progress from low to high complexity, gradually reduce the amount of support in successive scenarios, and include strong scenario interface and navigational cues for students to follow (Clark, 2013).

students have historically experienced significant problems self-regulating their learning and study habits (Schwartz, 2001).

Re-learning legal teaching: The transformational process. Lee (2014) observes legal educators dedicated to teaching their students lawyering and paralegal skills do so by following "a basic but critical premise: _instruct, demonstrate, practice,_ and _provide feedback"_ (p.18). The ABA revisions raise new questions about what legal educators instruct and demonstrate, what they should have their students practice, and when and how to provide feedback. A legal educator who relearns how to teach both legal doctrine and legal skills and, at the same time, design protocols for delivery of the new instruction in an online format cannot be content with the traditionally ingrained instructional, demonstrative, and practical feedback protocols.

When individuals embark on extraordinarily complex and creative learning endeavors, the dynamics of "transformational learning" are effective tools (Argyris & Schon, 1996/2000; Atkinson-Palombo, & Gebremichael, 2012). Transformative learning is grounded in three distinct phases: "incremental learning", "reframing", and "transformational learning. Incremental learning involves graduated improvement through learning new skills and capabilities without examining or challenging underlying beliefs and assumptions. Argyris and Schon (1996/2000) explain that reframing is the fundamental reshaping of underlying thinking patterns and behavior that yields the capability to do new things. The goals of transformational learning encompass the kinds of re-learning that challenge legal educators by empowering them:

> …to transform who they are and reinvent themselves by helping them to see how
>
> their frames of reference, thinking, and behavior produce unintended

consequences... to surface and question the way they have framed their points of view about themselves, others, or their circumstances with the idea of creating a fundamental shift. (p. 22)

Profound change: Triple-looping transformation. Academic professional development dynamically improves teaching and learning (Tirozzi & Uro, 1997). So far, the research literature is completely devoid of any study exploring HE institution-wide professional development strategies aimed at the ABA 2014-2015 and 2013 amendments and the bombardment of GLSI's cataclysmic changes. Left without specific direction from the ABA, standardized testing bodies, and the GLSI, out of necessity, legal educators like W, S, and L must undertake their own professional development in a climate of profound change. To do so, requires profound innovation.

Marcus F. Peschl (2007), Professor in the Department of Philosophy of Science at the University of Vienna, has developed a form of triple-loop learning theory that can transform an organization "into an innovative, creative entity where individuals own and understand their own learning" (Peschl, 2007). Legal educators teaching online must make sweeping curricular content and delivery changes necessitating deep-seated personal and professional flexibility and commitment. This is the domain of triple-loop learning, of "profound change"…a new dynamics…in the cognitive domains (and at) "an existential level that includes…attitudes, values, and habitus" (p. 138).

When an organization and its staff face situations where new modalities must be put into production quickly, the context of change is overwhelming, causing decisions to become irrational and people to rely on tools and ideas already in existence leading to a weak or even failed "innovation…artificially grafted onto the organization" (Peschl,

2008[video]). Extrapolating from C. Otto Scharmer's "Theory of U" (2009), Peschl advocates "emergent innovation" and "profound cognitive change" as opposed to incremental innovation (Peschl, 2008). In order to gain a deep understanding of the core and context of the projected changes, it is necessary to create a container to hold the emerging innovation so that current knowledge gives way to emerging innovation on the one hand and emptiness gives way to enabling space on the other hand. Sustainable innovations cannot be predicted, created or made but must be enabled by setting forward-thinking parameters (Peschl, 2008).

HE professors like W, S, and L can actively construct knowledge by "perceiving, acting, and interacting with…environmental structures" (Peschl, 2007, p. 137) creating a feedback loop between instructor knowledge and instructor environment. While this single-loop learning and knowledge acquisition hallmarked by the Langdellian casebook method activates cognitive outcomes, it is severely limited because it "does not allow for the construction of paradigmatically new knowledge and radical innovation" (p. 137) necessary to meet the law professors' new online lifeworld.   The traditional learning strategies deeply ingrained in U.S. legal education go no further than "focus on changes in the domain of knowledge and the intellect" whereas triple loop learning processes target "changes on the existential level and in the domain of the "will/heart" (p. 138). If legal educators simply react to the ABA revisions and GLSI pressures by relying on prior pedagogical solutions, "the resulting solutions or changes do not go very deep…cycling through already predetermined, rather rigid, and well established action-reaction feedback-loops" (p. 139). Alternatively, the professors can engage in redesign and adaptation, using existing patterns as a "blueprint that is adapted slightly to the

current situation" (p. 139). While redesigning and adaptation appear to be productively active, their execution leaves legal educators still in a static and ineffective single-loop learning mode.

To overcome the limitations, a second feedback loop can be introduced that "takes into consideration that any kind of knowledge is always based on assumptions, premises, or a paradigm...(where) knowledge has to be seen as being embedded in a pre-structured...framework of reference" (p. 137). To begin to act within this second feedback loop means to recognize that the externally directed cognition, learning and knowledge construction necessary to innovationally teach law online is not explicitly present within the Langdellian framework of reference. It is only through a reflective process and "stepping out" of one's traditional way of thinking about pedagogy that new pedagogies can be revealed. However, reflectively stepping away from traditional teaching methods is not enough. Double-loop learning strategies come into play.[100] The fully executed double-loop learning strategy takes the reflective stepping away from the traditional pedagogy toward "completely new dynamics...in the whole process of learning and knowledge creation: change (in) the framework of reference (p. 137) where a "new space of knowledge opens up and entirely new and different theories...patterns of perception (and) interpretation...about reality become possible" (p. 138). This process is marked by reflective questioning with an eye to changing the pedagogical

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[100]The concept of merging single and double-loop learning and teaching strategies is synonymous with self-determined learning (SDT) theory or heutagogy (Blaschke & Hase, 2014). SDT/heutagogy embraces 21st century skills: "the ability to learn and use technology proficiently...multi-task and process information multi-laterally... adapt to the complexity inherent in the work environment... demonstrate flexibility... and exhibit creativity" (p. 85). "[H]eutagogy gives full control of the learning process to learners...(in) a freewheeling environment where everyone is learning what they want to learn" (Blaschke & Hase, 2014, p. 86). As the absence of research literature applying SDT/heutagogy to legal education attests, to give that much control to legal education students would be imprudent: Close regulation of mandatory curricula by governmental and accrediting bodies prohibit law students from fully controlling their learning process and learning only what they want to learn.

premises and dynamics of traditional legal pedagogy in order to reflectively look toward new teaching modalities.[101] Double-loop learning employs reframing. Reframing constructs and establishes new dimensions through the position of an observer of the pedagogies that need to be replaced and "leads to the construction of alternative conceptual frameworks…reframing…already well established cognitive structures" (p. 139).

However, initiation of new knowledge, insights and understanding through SDT/heutagogy/double-loop learning does not go far enough for emerging legal education paradigms. The ABA and the GLSI call upon legal educators to make immediate pedagogical changes. Legal educators engaged in the process instructional re-design experience profound bombardment of their existential core. If professors do not design and deliver new teaching paradigms that lead to job skill and standardized testing success for their students, professional and personal calamity loom. There is no time to "play games" on a cognitive/intellectual level (i.e. gradually try out and phase in new teaching theories). Exceeding the boundaries of "intellectual games" means experiencing a personal confrontation in a level "beyond the domain of cognitive or intellectual questions touching the self in the very center… the domain which could be described as 'the self'…in an existential sense" (p. 138). This domain of the "person" resides beyond personal skills, competencies and personality, to touch "the person on his/her fundamental level of being and…concerns the domain of wisdom" (p. 138). Profound change resides in a realm beyond reframing intellectual and cognitive concerns to embrace "questions of finality, purpose, heart, (and) will" (p. 139). That is

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[101] Post ABA amendments, the online legal educator must substantially self-teach.--The ABA and the GLSI want effective doctrine and skills instruction online but remain silent as to how legal educators are to achieve the necessary innovational paradigms.

the domain of triple loop learning, an existential way of coping with change focused "on deep intention, purpose, and will" (p. 139) where change is based on more than cognitive reflection. "[T]he goal is to bring the existential level, the person…(and) his/her cognitive domain into a status of inner unity" (p. 139).

Existentially processing profound change. Several steps are necessary to realize profound existential change in the professors' learning processes. As conceptualized by C.Otto Scharmer of MIT (2009), the triple-loop learning components that active the process can be visualized as a U-shaped curve where the left branch of the "U" going down "focuses on "observation, perception, sensing, discovery of patterns of thought and cognition, and on how to leave these patterns behind oneself in order to be cognitively and emotionally 'prepared' for profound change" (p. 140).

Presencing. A state of presencing resides at the bottom of the "U". Presencing "can be characterized as a condition of high receptivity and openness…where radically new knowledge/change can emerge" (p. 140). Traveling along the upward branch of the "U" brings one to "issues concerning the realization, prototyping, and embodying…(of) changes in the (external or internal) environment…receptive…to…profound change and deep learning" (p. 140).

Suspending. The activity of traveling along this "U" process involves the acts of suspending, letting go, and presencing in order to "establish a space that enables a process of organic coconstruction of profound change based on deep understanding" (p. 140). The process of suspending is a precursor and precondition for meaningful dialogue.

Redirecting. In this step, direction of attention is inward, tuning out the world,

turning gaze back toward the source of perception, to the interior world, "the source of the mental process" (p. 140). Suspension creates a new space. Redirecting opens up the new space. More than reflection, redirecting aims to explore the source of questioning premises and cognitive patterns and through the "opening up a new space…enables the emergence of new constructions, new profound insights, fundamental change, etc." (p. 140). This means law professors going through the cognitive process of redirecting must consciously acknowledge the role of observer capable of being both inside and outside The Transitioning Experience in order to gain new perspectives on the experience.

Letting go. Letting go first means to simply accept and listen. Letting go means to move from looking for the answers to waiting for something to be revealed. Peschl warns letting go is difficult because it marks "an empty time, a time of silence" where "what you're after is what is still unconscious" (p. 140). Existential fear can invade the letting go process because the epistemological foundation that formerly seemed cognitively stable has disappeared. For law professors, moving into this receptive state means being in both a passive and in "an active state of extremely high attention towards what is coming up without trying to project one's own expectations, plans, knowledge, etc. (p. 141).

Presencing. Peschl identifies the presencing state as the "intimate epistemological dance" with reality (p. 141). As an effect of letting go, the "high level of receptiveness and attention" leads to "a process of smooth and intimate interaction between the cognitive and environmental dynamics" (p. 141). Through presencing, legal educators can be in a state to construct "highly sophisticated and profound

knowledge about an environmental aspect with a minimum influence of projection" (p. 141). "[E]nabling profound change or learning…(and) a deep understanding about a phenomenon (The Transitioning Experience) also implies seeing its potential" (p. 141). Peschl's "dance of understanding with reality" is not merely contemplative but also "an organic process of co-construction, co-formation, co-design, co-influencing, (and) co-changing" (p. 141). Under Peschl's view of presencing, legal educators should not project pedagogically prefabricated knowledge and prior mental modeling of the previously familiar aspects of The Transitioning Experience and try to conform it to those ideas, but rather to "organically co-evolve and co-develop…into a process of mutual blossoming…" (p. 141). To summarize, the triple loop learning process up to the point of presencing can turn legal educators' doctrinally-engrained thought processes upside down by redirecting attention away from legal pedagogy, The Four Immutables, and The Five Protean Challenges (the exterior) to the felt-lifeworld of The Transitioning Experience (the interior) which means "moving from an active search to an accepting letting-arrive" (p. 141). These inner lifeworld processes are intellectually challenging, deeply impact notions of intent, and existentially "touch the innermost domains" of the person's experiencing (p. 141).

Letting-come and crystallizing.   Presencing holds possibilities. The emergent and innovational process of letting-come enables profoundly new interaction patterns, knowledge and perspectives. Peschl advises that at this point, the posture of self is not one of just passively sitting and waiting. Letting-come for legal educators means to be vigilant "with an attitude of being patient, receptive and epistemologically humble…to wait with a high level of attention, intellectual accuracy, and to get into a very close…relationship" with The Transitioning Experience "in an epistemologically fragile process in which new ideas and changes emerge and converge" (p. 142) toward a new pedagogical paradigm.

Enacting and prototyping. That which has emerged during presencing and crystalizing will start to manifest in external form as a concrete plan of action that at first, may be a prototype ripe for testing, "externalized so that it can be verified, seen by…others, discussed…(and) adapted" (p. 142).

Embodying and institutionalizing.   In this final step, the adapted prototype is implemented into the established practices, routines and actions where the cognitive and the environmental interact in a "dynamic of mutual triggering, co-construction, co-creation, respecting, and mutually bringing…into a state of unfolding and blossoming…(to) arrive at a state of profound understanding…(in) that intimate coupling between cognitive…existential, and environmental dynamics (i.e., 'deep knowing') (and) the environmental and the cognitive (p. 142) dynamics…mutually 'unlock' each other's potentials" (p. 142). Experience, external voices (the ABA, the GLSI, the judiciary, etc.) cannot question the role of the legal educator's inner cognitive and existential voice that ultimately speaks from within the "enabling space…free of (external) function, purposes,

and goals" (p. 142). Triple-loop thinking is an intriguing yet complicated and primarily

internal process that may yield innovative new pedagogies in line with new ABA

requirements and GLSI demands. However, legal educators like W, S, and L who

teach online must internally operate within the constantly changing external digital

technology world.

Elearning protocols: Expert thinking and scaffolding. E-learning in higher

education is universally extolled for lowering facility and student costs, fast delivery of

curricula to students for anytime-anywhere-self-paced learning. E-learners, however,

often express frustrations along with the kudos. In 2014, Articulate Global, Inc., award-

winning developer of e-learning software, content, and community surveyed over 500 e-

learning post-secondary users to assess why they take online courses. Tom Kuhlman,

the company's developer of learning strategies reviewed the results of the survey in the

company's blog (Kuhlman, 2015). The survey results reveal adult students like

elearning's ability to engage and motivate, provide relevant content, decision-making

scenarios, real life situations, and incentives toward successful course completion.

However, the students are frustrated by boring course content, inability to access

courses on all mobile devices, inability to personally relate to course content, too-fast or

too-slow course pace, and technology glitches (Kuhlman, 2015). While the

technological intricacies of mobile device access[102] are beyond the scope of this study,

the research literature addressing online presence (engagement, motivation, and

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[102] Generally, mobile learning (mLearning) presents designers and instructors the task of adapting e-
learning modules meant for pc's, laptops, and tablets for tiny smartphone screens. Writing for *Learning
Solutions Magazine,* Paul Clothier, mLearning consultant and trainer, recommends delivering the main e-
learning content on the pc, laptop, or tablet and providing fresh, supplemental material on students'
mobile devices (Clothier, 2014). Other considerations include reformatting text for readability, simplifying
and repositioning text and graphics, minimizing complex navigation and interaction, shortening videos,
and minimize audio to eliminate the need for headphones in noisy public places (Clother, 2014).

technology), and course content, relevance, relationality, and pace that affect online

legal educators are pertinent.

   Expert-thinking models: Path to successful online instruction. Clark and

Mayer (2011) note that online course content for adults must provide sufficient expert

thinking models[103] to develop students' metacognitive skills   Quality e-learning designs

engender expert e-learners and problem-solvers when the protocols:

- Engage learners with models of expert problem-solving actions and thinking.[104]
- Require learners to interact not only to take the actions needed to resolve a problem but also to identify or generate the rationale behind those actions (p. 357).[105]

Legal educators are obliged to evaluate how much the availability and application of

digital tools will change their teaching processes, course material access, interaction

models and ultimately the way their students learn (Stracke, 2014). Thus, it is

necessary to explore and evaluate the e-learning expert-thinking models currently in

use. Quality online learning combines proven adult learning methods with technology-

driven innovations that enable instructor and student to develop expert-thinking,

problem-solving and metacognitive skills (Clark & Mayer, 2011). Whether legal

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[103] Clark and Mayer base their skills-based online methods for adult learners upon mathematics professor Alan Schoenfeld's observations about the differences between the way mathematical experts and Schoenfeld's students ("novices") verbalized as they interacted while performing mathematical calculations on a blackboard. As the novices talked through their solutions, they " stuck to one approach" (but) the expert problem solvers moved iteratively among planning, implementing, and evaluating problem-solving actions" (Clark & Mayer, 2011, p. 356).
[104] The Center for Computer-Assisted Legal Instruction (CALI) produce videos depicting expert lawyer and novice students' legal problem-solving interactions (CALI Lessons, 2014).

[105]The online learning design can emphasize the expert thinking process by depicting on-screen images of an expert and a novice interacting accompanied by on-screen bubbles and audio that demonstrate the verbal interaction. The on-screen instruction may include not only right answers but alternative responses, rationale for responses or responses to avoid. Using this type of virtual expert/novice interaction increases the online students' expert-thinking skills through active observation of expert models (Clark & Mayer, 2011).

educators learning to teach online find ways to incorporate Langdell's Socratic casebook method, use active learning techniques borrowed from adult learning theories, embrace experiential, problem-based or scenario based learning paradigms, or triple-loop organizational learning protocols, the touchstone of legal teaching and legal learning should always be "quality":

> [T]echnological inventions and changes are offering only new options and pre-conditions. They still require an appropriate learning design and setting with an attractive and motivating learning environment …Learning quality was, is and will be the key for learning success and outcomes" (Stracke, 2014, p. 18).

" [T]he right balance between learning innovations and tradition" (p. 20) achieves high quality learning through "[s]uitable and open learning styles and designs (and [s]uitable and open learning scenarios and environment" (p. 20) with the suitability thoughtfully defined by the "three dimensions (of) learning history, learning innovations and learning standards" (p. 22). To retain quality in legal education, "Learning history should not and cannot be ignored. Learning innovations are mainly technology-driven. Learning is not completely changing" (Strake, 2014, p. 18). The ABA post-amendment directives mirror Stracke's view of educational quality: The ABA revisions mandate that legal educators retain teaching legal doctrine without overtly requiring change to the 125 year Langdellian-driven learning history, and add teaching legal job skills to afford graduates sufficient expertise to seek employment in the technology-driven GLSI.

Teaching through self-regulated learning protocols. Schwartz (2008) and Lee (2014) espouse legal educators must guide their students to be self-directed,

autonomous, expert learners. In his 2008 groundbreaking textbook, *Expert Learning for Law Students,* Schwartz identifies what makes an "expert" law student: active engagement with material to be learned; personal responsibility-taking for learning; and the practice of self-regulated learning (SRL) (Schwartz, 2008).[106]   No empirical studies to date specifically evaluating whether Schwartz' rigorous version of SRL leads to higher law student performance. However, law students taking online courses may well engage in SLR without pre-requisite skills to do so. As a result, elearning should be scaffolded.

    Scaffolding elearning. Students involved in elearning enjoy less restrictions on learning time and place. However, on the whole, without facilitated direction, online learners lack sufficient skills to self-regulate their own learning (Bjork, Dunlosky, & Kornell, 2013) with procrastination a common problem (Goda, et al., 2015). Whether law students can become self-regulated, expert online learners depends upon the instructor/facilitator's wise use of scaffolding techniques.

    The concept of scaffolding originated by Vygotsky (1896-1934) provides a learner supportive assistance within the parameters of his/her zone of proximal development (ZPD). ZPD measures a learner's current ability and knowledge (i.e. the ability to perform without assistance) against the learner's expected or anticipated ability and knowledge (i.e. what the learner can accomplish with supportive assistance) (Wood, Bruner, & Ross, 1976; Vygotsky, 1978). Application of scaffolding in elearning

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[106] Schwartz summarizes self-regulated learning (SRL) as a three phase cycle: planning phase (i.e. student decides what to learn and how to learn it); monitoring and implementing phase (the student puts plan into action and self-assesses progress); and evaluation phase (the student decides whether the plan has netted "efficient and optimal learning" (p. 3). Schwartz opines that when legal educators enable their students to engage in his SRL method, students better understand how to schedule study time and study quality, and become expert learners as they write self-reflective journals detailing each step in their legal learning process (Schwartz, 2008).

supports novice learners by limiting learning complexities and then gradually removing

the complexity limits (fading) as learners gain sufficient knowledge, skills and

confidence to cope with the learning task's full complexity (Dabbagh, 2003). Winnips &

McLoughlin (2000) note the key to successful scaffolding is to find the right balance

where the teacher moves from the role of expert and learning organizer to resource,

facilitator, coach, and co-learner. As the instructor gradually withdraws assistance,

learners optimally experience SRL, complete tasks, demonstrate independence and

self-reliance. Then, in an atmosphere of trust and social negotiation, the instructor acts

as a participant, co-respondent, and facilitator to provide assistance to learners on an

as-needed basis (Dabbagh, 2003).

   Online cognitive, social, and teacher presence. Effective educational

experiences in online communities of inquiry depend upon three interaction elements:

cognitive presence, social presence, and teaching presence. Successful scaffolding

should yield the presence of all three elements in elearning venues. Whether

synchronous or asynchronous, successful elearning involving more than one student

occurs in a community of inquiry where experience and knowledge are reconstructed

and the subject matter is critically analyzed, questioned, and challenged (Lipman,

2003).

   Defining the three elements of online presence. Cognitive presence focuses on

higher-order thinking instead of individual learning outcomes where the student

transcends the constrictions of the private individual world to engage in critical inquiry

within the shared world of social exploration, integration where meaning is constructed

based on the information shared during exploration, and resolution where the direct or

vicarious action of a community of learners finds a solution for an idea or dilemma (Garrison, et al.,1999). Social presence is established when learners have opportunities to develop "the ability to project their personal characteristics into the community of inquiry, thereby presenting themselves as 'real people' (Garrison et al., 1999, p. 4)" in a safe environment in which to engage in practical inquiry with community members (Bjork et al, 2013).

Teaching presence consists of three components: instructional design, facilitation, and direct instruction (Anderson et al., 2001). Online course design must include external instructor-facilitated scaffolding so that students are guided to progress to the level of cognitive presence expected by course objectives and online course discussions. Student role assignment is a particularly beneficial externally-facilitated scaffolding modality.[107] **Cornell University's role assignments** in science and law courses illustrate the scaffolding technique (Hayes, 2014).

Meta-analysis studies of online presence. Artino (2007), conducted the first statistical meta-analysis of SRL in online education. The studies conducted from 1995-2006, found some evidence to concur with Schwartz (2008) that including student-regulated scaffolding in instructional design and methods may well enhance student performance in online courses.   However, a new joint study conducted by U.S. and Canadian researchers eight years after Artino's meta-analysis presents a less positive view of SLR in online education: The 2015 quasi-experimental mixed-design study dismisses the notion that students can self regulate scaffolding and instead finds the

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[107]Role assignments are "more or less stated functions or responsibilities that guide individual behaviour and regulate group interaction" (Strijbos and Weinberger (2010, p. 491). Role assignments are central to the scenario-based learning scaffolding used by U.S. military JAG training discussed earlier in this Chapter.

combination of instructor facilitated student role assignments and instructor externally-facilitated scaffolding yields a higher effect on cognitive student online presence than extrinsic motivation through grades (Gašević, et al., 2015) The researchers studied 82 master's-level students enrolled in 6 research-intensive software engineering courses.[108] The study significantly finds combining both scaffolding types investigated in the study, (i.e. assigning students the instructor role and instructor externally-facilitated regulation), produced the highest level of student online cognitive presence (Gašević, et al., 2015).

Sitzmann and Ely (2011) conducted a statistical meta-analysis of 430 empirical studies of SRL involving a total of 90,380 participants (both secondary and post-secondary students) that also comprehensively assesses the benefits of SRL. Their meta-analysis finds that goal level, persistence, effort, and self-efficacy were the self-regulation constructs with the strongest effects on learning, (after controlling for cognitive ability and pretraining knowledge). However, planning, monitoring, help seeking, and emotion control (all key to Schwartz's method for law students) exhibited no significant relationships with learning (Sitzmann & Ely, 2011).

Legal educator's as expert learners. Legal educators who teach online are at a milestone juncture. Re-learning how to teach is an imperative. In order to facilitate SRL in their e-learning students, legal educators should first be technology-savvy expert

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[108] The practicing researchers acted to find relevant information sources, propose new ideas thereon, offer counter-point to peer discussion posts, express puzzlement, theorize in support of claims through exploration of the existing body of knowledge about software engineering to support their positions and summarizer integrating ideas from different posts of their peers or information sources, hypothesize and test new solutions to seek resolution.   Expert researchers also acted as moderators to facilitate discussions in their discussion group threads and topic leaders who initiated new discussion topics in the role of an expert on the topic. During the course, each student had the opportunity to act in the role of expert researcher and practicing researcher with the role scripting designed to allow equitable opportunities for participation in the discussions (Gašević,, et al., 2015)

learners themselves, sufficiently self-motivated and self-empowered to acquire and apply a blended and effective understanding of professional, practical and technical skills necessary to coherently design and effectively deliver online legal courses. Products of professional stance embedded in doctrinal teaching, theoretical researching, and face-to-face classes, can legal educators learn to do so to meet the immediacy the ABA revisions and the GLSI demand?

A study jointly conducted by faculty in the Department of Special Education and Center for Excellence in Teaching at the National University (Hexom & Marlaire, 2013) found that when sufficiently motivated by both personal and external forces, HE instructors can exhibit measurable autonomous self-empowerment toward excellence within a short period of time. The study researched whether 21 full-time faculty members in the department of special education, (who teach a total of 12,400 students on 27 campuses) could apply SRL principles to themselves to establish the requisite professorial knowledge and skills to learn to use technology in their professional and personal lives and then transfer that knowledge and skills to online, hybrid, and face-to-face teaching and collaborative faculty interaction (Hexom & Marlaire, 2013). Faculty members used iPads as the primary technological impetus in the study. The faculty participants were given technology learning goals including attaining effective use of the iPad for personal and professional learning, faculty collaboration, and integrating Smartboards into onsite and online courses. Then, after receiving only rudimentary directions on iPad use, they were asked to develop a personal learning plan to reach their learning goals. The participants were told to proceed without being given any instructions on how to attain the goals.

Although faculty members experienced set-backs and required some residual iPad and Smartboard training, well into the study, 100% of the faculty participants had autonomously mastered the functions of both the iPad and Smartboard, effectively used them in classroom and online learning, and had self-discovered innovative ways to use the iPads in faculty collaboration and for other professional and personal purposes (Hexom & Marlaire, 2013).

Globalized online legal education. The International Association of Universities (IAU), an affiliate of UNESCO, created in 1950 to encourage cooperation among higher learning institutions, observes higher education's international complexity:

Recent years have seen a tremendous expansion of the ways in which higher education goes 'international.' As well, international trends and developments taking place beyond national boundaries impact more easily on higher education policy at institutional and national levels, thus creating additional inter-connections between various changes. Consequently, it is not only difficult to keep track of the various concepts and terms used to describe new processes in the international aspects of higher education, it is also difficult to capture these interconnections. An additional challenge comes from the fact that innovations and changes are on-going and thus the field is evolving constantly" (International Association of Universities [IAU] 2006, p.1).

Arguably, legal education has long been rendered far more complex than other forms of higher education because of its over-arching focus on primarily preparing students for the rigors of litigation in U.S. legal jurisdictions. Moreover, legal educators face a perplexing dilemma trying to design legal education online courses that balance

educating for U.S. litigation venues with international cultural inclusion. Generally, "there is a paucity of research that systematically analyzes culture-related variables to suggest design guidelines for culture-related, flexible, online learning environments" (Seufert, 2002, p. 2). There is no research literature defining the guiding principles for culturally sensitive legal course design. Research studies have found multicultural differences in HE e-learning exist because students mistrust the world-wide web digital platform.

Student distrust of the world-wide web's social capital. Elearning is "a catalytic agent in developing social capital" (Liu, 2013, p.154). Online learning's social capital can be measured by the strength of connections established between learners as they interact during elearning (Joksimović, et al., 2015; Burt, 2000). The concept of social capital helps explain how the frequency and quantity of online learner relationships and interaction relate to academic performance (Carceller, Dawson, & Lockyer, 2013; Vaquero & Cebrain, 2013). However, in cross-culturally integrated distance learning environments, students' inherent distrust of the World-Wide Web limit ability to openly and fully engage in collaborative sharing (Liu, 2013).

Instructor- to-student and student-to-student trust should be viewed as a vital component of social capital in legal elearning. Yet, the cultural sensitivities of students from legal systems that differ from Americanized litigation principles and practices may well affect students' trust in legal elearning's social capital.   The overarching goal for both law and paralegal students is to learn how to win for clients, whether it be in litigious, social, familial, financial, business or other arenas. As more international students enroll in online legal courses, while teaching students how to be litigious in

U.S. court systems and/or land jobs in the GLSI, instructors may clash with the cultural sensitivities of students from legal systems that differ from Americanized litigation principles and practices. U.S. litigation applies U.S. law enacted by U.S. legislators and U.S. judge's interpretation to the facts of a client's case.[109] Should a legal educator's elearning course be a venue where students feel they can develop an online trust of their fellow students from multiple legal jurisdictions to mutually and freely explore, dissect, and criticize all legal jurisdictions represented?

Teaching the skills of legal bombardment sets up a precarious balancing act between honoring the inherently litigious components of the U.S. legal system where winning is the penultimate goal and what cyberspace learning proponents call bringing virtues including trust to virtual learning worlds (Ess, 2011):

> [V]irtual environments can…counter…challenges to trust online.. (and remind) us to remember…to bring our virtues with us—as we do our embodied identities— as we explore virtual worlds…to address the best and the worst possibilities of online environments. (p. xxiv)

 "Trust is fundamental to human existence…specifically to our experiences of friendship and democratic deliberation (and) our *vulnerability* as embodied creatures…We are…mortal: others can wound and hurt us (Ess, 2011, p. 8[italics in original]). Learning to practice U.S. law means learning to be combative and argumentative, learning to cope with clients' physical and emotional wounds, and learning to adjust to the hurts of U.S. litigation defeats and ethical dilemmas.

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[109]Maintaining the necessary litigious atmosphere in an online class in an attempt to bring understanding about judicial systems outside of the U.S. may well create insurmountable difficulties in courses where students are from countries and cultures where it is forbidden or dangerous to question their governmental and legal authorities.

"Third culture" understanding in legal online learning. Rather than creating a cultural schism between mistrust and authentic skills training, the notion of an intermediary "third culture" in elearning is fostered when elements of the course content and design enable students to compare, revise, and reassess cultural values and standards to enable new understanding and appreciation of cultural diversity and behavior (Kramsch & Thorne, 2001). In search of a culturally appropriate interface design for distance education, Tylee (2002) explored the impact of cultural dimensions on elearning accessibility. Tylee's research yielded a series of questions a legal educator may consider asking in order to create a culturally inclusive, accessible distance course (paraphrased): What is the degree of personal interaction expected? What are the types of motivational aspects that should be included? What is the right amount and type of balance between group and individual opinions? How will learning emphasize individual and group work? How will social and contextual dimensions be addressed? Does the nature of the work promote critical, unconventional or conservative perspectives? Is the teaching style interactive and participatory rather than didactic? Are different learning styles of learners from culturally diverse backgrounds addressed? Have separate interfaces and courses for different cultural groups or different learning styles been developed? Have formative and summative assessments that addresses cultural differences been evaluated and enacted (Tylee, 2002)? Tylee, (2002) and Kramsch and Thorne (2001) studied the causes of miscommunication in an intercultural asynchronous online dialogue between U.S. and French students. They found the reciprocal lack of understanding of 'cultural genres' in one another's discourse caused rifts.

Instructor intercultural competence.

The research raises the notion that the more culturally diverse online education becomes, the closer both U.S. and international legal educators must converge within a globally acculturated cyber-society to prepare their students to

exercise professional skills in the GLSI. However, this educational conjunction dynamically relies upon the elearning instructor's intercultural competence (Fantini, 2009; Deardorff, 2006; Braskamp (2009).   While the term "intercultural competence" is used globally, there is no specific definition for it. Fantini (2009) notes multiple descriptive labels including "biculturalism, communicative competence, cross-cultural communication, global competence,…intercultural sensitivity, and multiculturalism" (p.457). According to Deardorff (2006), intercultural competence can be summarized as "the ability to communicate effectively and appropriately in intercultural situations based on one's intercultural knowledge, skills, and attitudes" (p.184). Brustein (2007) equates intercultural competence with global competence noting "the skills that form the foundation of global competence include the ability to work effectively in international settings; awareness of and adaptability to diverse cultures, perceptions and approaches; familiarity with the major currents of global change and the issues they raise; and the capacity for effective communication across cultural and linguistic boundaries" (p. 382-383). Braskamp (2009) asserts that educators must ask, "How do we as leaders on a campus internationalize our campus so that its members—students,

faculty, and other colleagues…have a sense of self identity, and behave in ways that promote, honor, and respect a diverse and pluralistic society?" (p. 2). Learning from cultural experience on HE campuses (both real and virtual) requires more than proximity to culturally diverse students, situations, and events as they occur. Learning emerges from the capacity to reflectively observe and construe multicultural events and interactions and then reconstruct them in transformative ways.

Teaching within the legal "third culture". As diversity in online student populations increase, legal instructors' pedagogies are more likely to be rendered more complex by: 1) the need to design and deliver online courses that simultaneously meet the needs of students that need low scaffolding and students that need high scaffolding (Dabbagh, 2003); and 2) the need to engender trust in the course format for all students regardless of ethnicity, minority, or foreign nationality. Whether characterized in terms of third culture, cultural accessibility, or otherwise, rich-point surprises, both beneficial and hindering, will inevitably occur during legal online learning courses. The "third culture" of U.S. legal education is a hard master--a looming amalgam of anxiety-building factors unfamiliar to all students, domestic and foreign. Linguistically, the factors include convoluted and confounding legal terms of art, legal rules, laws, case facts and judicial decisions. Interactively, they include being called on randomly in class (the Langdellian method), lack of formative feedback with course final exams usually 100 percent of the grade, fear of failure, dogged competition (both real and imagined), the rigors of studying concepts that are difficult if not impossible to relate to daily life and previous learning, the terror of waiting for grades and class rank, anticipating and experiencing law firm recruiters' "high power" job interview tactics, and financial stress

from high tuition costs and burgeoning student loan debt.

Designing elearning curricula that helps all students master the language of the Americanized legal third culture is what counts and "with this mastery will necessarily come the beginnings of understanding about American culture and life as it is reflected in the law" (Brostoff and Sinsheimer, 2013, Introduction, n.p.n.). In the end, legal educators' cultural competence is achieved when their students' intercultural communication skills rise to the level of being able to identify what "differences really make a difference?" and what "similarities really are significant?" (Rogers, 2009, p. 528) regarding the culturally responsible practice of law.

Conclusion: An Existential Afterward

This Chapter has presented a review of the literature focused on the pedagogic, regulatory, global and cultural factors that manifest propensity to existentially overload online legal educators' lifeworlds (The Five Protean Challenges). Legal educators do not have the luxury of re-learning how to teach in isolation or at personal leisure. Law professors answer to HE facilities that in turn answer to the ABA for institutional accreditation and expect superior learning outcomes hoping to ensure private, state and federal government funding sources continue. Ultimately individual educators, facilities, the ABA, and funding sources will fail to meet the needs of the GLSI if lawyer and paralegal graduates are not professionally, practically, and technically trained. A legal educator's personal re-learning processes are juxtaposed within the expansive and innovational organizational structures of institutional, regional, and global educational initiatives.

The ABA has re-defined instructional roles but the newness of the attendant complex pedagogic activities portend that online legal educators do not yet have sufficient resources to teach them how to teach both doctrine and job-skills while continuing to juggle institutional pressures to research and publish. This creates a job demands/job resources crisis[110] involving management relations, role clarity, and the intrinsic characteristics of the academic job (May, Gilson, & Harter, 2004). Instructional multi-tasking without necessary job resources leads to HE instructors' stress (Daly & Dee, 2006) and potential burnout manifesting as exhaustion, mental distance, (i.e. performance unwillingness because of effort intolerance), cynicism, depersonalization, and diminished professional efficacy (Schaufeli & Bakker, 2004; Schaufeli, 2003).

Unique existential vulnerability. Legal educators' propensities for job burn-out, stress, and mental health conditions have as yet not been empirically studied in depth. However, according to the most recent statistics, lawyers rank 4th in propensity for suicides by profession behind dentists, pharmacists and physicians (Clarke, 2015). Lawyers are 3.6 times more likely to suffer from depression than non-lawyers (Flores & Arce, 2014). A growing number are both practicing attorneys and law professors, and they are dying younger all the time. For instance, Finis Price III committed suicide at age 37.[111] He was a successful Kentucky lawyer, adjunct professor at Chase Law School at Northern Kentucky University, and technology consultant who appeared to be in the prime of success (Flores & Arce, 2014).

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[110]Job demands are physical, psychological, social and organizational requiring cognitive and emotional effort (Demerouti et al., 2001). Job resources consist of physical, psychological, social and organizational job components that either reduce job demands or are operative during attaining work goals, personal growth, learning and development (Demerouti, et al., 2001).
[111] Since 2010, 15 lawyers have committed suicide in Kentucky. Other states have seen waves of lawyer suicides--Oklahoma's Bar suffered the loss of one lawyer a month in 2004 (Flores & Arce, 2014).

Problems for lawyers and law professors starts as early as law school. An estimated 40% of law students are depressed by graduation time (Clarke, 2015). Stressed law professors may suffer in silence, fearing institutional reprisal and personal embarrassment, with the public focus remaining on preparing students to cope with future work in a profession that bears the angst of other people's problems. A few have shattered that silence (Clarke, 2015 [severe clinical depression]; Saks, 2007[schizophrenia]; and Jones, 2008 [bipolar disorder]).

The ABA, the GLSI, the judiciary, legislators, and clients' expectations are legion. Lawyers, law professors, and law students are each in their own way caught within a web of aloneness, pressed to maintain the façade of excellence whatever their internal feelings. Brian Clarke (2015), Assistant professor of Law at Charlotte School of Law, relates:

…I was trying to be all things to all people at all times. Superstar lawyer. Superstar citizen. Superstar husband. Superstar father. Of course, this was impossible. The feeling that began to dominate my life was…constant, crushing guilt…the guiltier I felt. It was a brutal downward spiral…I know that when you are depressed you feel incredibly, profoundly alone… (pp. 355-356)

The ABA revised mandates are too new for institutional administrators, and technology departments to have formalized faculty development programs specifically directed toward the increased burdens of teaching both doctrine and skills online. Effective faculty development addresses "the principles and practices of teaching at the individual, departmental, curricular, and institutional levels, facilitating communication within and across departments" (Hill, Soo La, & Lageux, 2007, p. 17). Legal educators

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are highly skilled in their academic disciplines but have little or no training in the relevant

pedagogical, andragogical, triple-loop learning, and digital technological expertise

necessary to effectively teach the content the ABA now expects. Best practices for

creating professional development activities, particularly when HE instructors begin to

teach online can include a "playground" for faculty to explore and gain expertise with the

institution's learning management system (Lorenzetti, 2009), access and immersion in

distance learning courses the institution considers are already successfully teaching the

course content, new online faculty orientations, asynchronous and synchronous

training, mentoring from faculty members already experienced with how to teach the

subject matter in an online format, virtual brown bag seminars, and an online knowledge

base for the instructors to access responses to frequently asked questions about

teaching new contexts and content in the online format (Lorenzetti, 2009).

Chapter Three

Research Paradigm

Introduction

A research paradigm is "a basic set of beliefs that guide action" within the researcher's worldviews (Denzin & Lincoln, 2000, p. 157). A paradigm "represents a *worldview* that defines, for its holder, the nature of the 'world', the individual's place in it, and the range of possible relationships to that world and its parts" (Guba & Lincoln, 1994, p.107[italics in original]). A research paradigm shows its metaphysical characteristics when it attempts to answer two questions: 1) What is ultimately there? 2) What is it like? (Hall, 2012). Metaphysics "focuses on the nature of reality…(and) attempts to find unity across the domains of experience and thought" (Cohen, 1999, n.p.).

This study explores the essence[112] of The Transitioning Experience ("What is there?") and what it feels like for law professors to live through The Transitioning Experience ("What is it like?"). I believe the aggregate of the two metaphysical questions can only be answered through hermeneutic/phenomenological inquiry (the interpretive modality for this study) in which ontological epistemological, and axiological beliefs are embedded[113] within a framework of value-laden felt-experience and reflective meaning-making. Van Manen explains:

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[112] "The essence of a phenomenon is a universal which can be described through a study of the structure that governs the instances or particular manifestations of the essence of that phenomenon…the systematic attempt to uncover and describe the structures, the internal meaning structures, of lived experience…inituited and grasped through a study of the particulars or instances as they are encountered in lived experience" (van Manen, 1990, p. 10).

[113] Two basic philosophical assumptions, *axiology* (pertaining to ethics, the role of values in the research and the researcher's stance) and *methodology* (the model behind the research process), affect the

Lived experience is the breathing of meaning. In the flow of life, consciousness

breathes meaning in a to and fro movement: a constant heaving between the

inner and the outer made concrete…(van Manen, 1990, p. 36).

 "Just as our body needs to breathe, our soul requires the fulfillment and expansion of

its existence in the reverberations of emotional life" (Dilthey, 1985, p. 59).
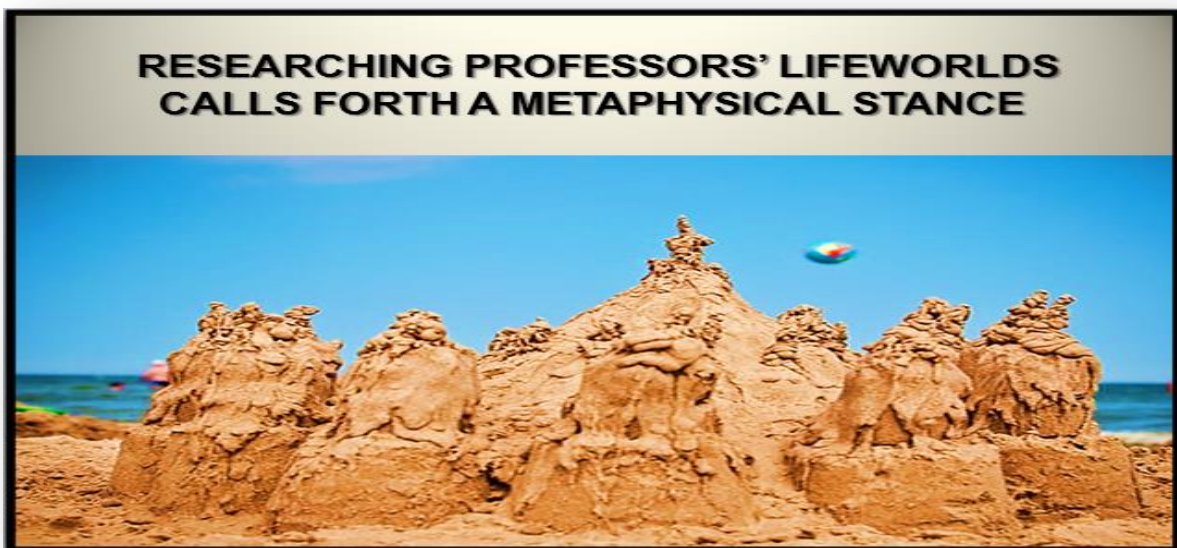
Metaphysically-Competent Phenomenological Inquiry

Existential phenomenology describes how phenomena present themselves in

lived experience. "[T]he phenomenologist is driven by a pathos to discern the primordial

secrets of the living meanings of the human world" (van Manen, 2014,p. 17).

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manner in which the reality of the qualitative study is investigated (Guba & Lincoln, 2005; Hallebone & Priest, 2009). The *ontological* philosophical assumption asks the question "What is the nature of reality?" (Creswell, 2013, p. 21), and acknowledges that "multiple realities are constructed through our lived experiences /and interactions with others" (p. 36; Lincoln et al., 2011). Under the *epistemological* assumption, the researcher questions what counts as knowledge and how are knowledge claims justified, drawing subjective evidence from study participants while lessening researcher distance (Creswell, 2013).

"Phenomenological research is the practice of creative insight that has to do with beginnings (in the) "primordiality of lived experience" (p. 109). "Phenomenology demands of us re-learning to look at the world as we meet it in immediate experience" (van Manen, 1990, p.184). Embarking on this study has demanded that I re-learn to look at the law world in discrete slices of three law professors' immediate experience (van Manen, 1990) rather than engaging in broad-based examination of pedagogical existence in a world of change, conflict and tragedy.

Metaphysics reaches within and beyond our perceptions of the natural world and how we may feel about it, to discover the true nature (ultimate essence) of things and reason for being. Once the true nature of "what is there" becomes more clear, metaphysics attempts to answer the question "What is what like?" Thus, caught up in the notions of existence, objectification, space and time, cause and effect and possibility, metaphysics attempts to blueprint the architecture of reality while focusing away from reflective, transcendental thought. Metaphysics asks whether the thing, concept, or event actually exists and the reality of how it exists rather than asking what is the appearance of the thing, concept, or event. However, I posit a metaphysical research stance and a phenomenological research stance are not mutually exclusive. Rather, they function reciprocatively, each sifted, sharpened and fired by the inescapable existential pathos of human existence.

When I first embarked on this study, I was obliged to confront anew the legal world of which I have been a part for many decades. That confrontation has become for me a tripartite metaphysical, phenomenological and existential encounter. While the phenomenological world of law professors, (i.e. how that world appears and feels to law

professors) is at the heart of my research, the 21st Century metaphysical world of law professors and what constitutes the architecture of its' reality call for prescient investigation.

When emphasis in metaphysics is ontological, one studies what exists (Moore, 1989). Some critics of the metaphysical lens arbitrarily divide the world into realism and antirealism (Feldman, 1991). Realists focus objectively, emphasizing "the world's independence from our concepts and language" while antirealists focus subjectively, denying "that the 'furniture of the universe' exists in any way independent of us" (Moore, 1989, p. 872).   For example, Langdell metaphysically argues law is "a science composed of a small number of indubitable, axiomatic, and high-level principles as well as more numerous, concrete, certain, and low-level rules" (and these) legal principles and rules really exist, waiting to be discovered" with the correct result reached when "[a] judge… reasons logically,…discovers the proper principle or rule, and dispassionately applies it…" (Feldman, 1991, pp. 666-667). In contrast, an antirealist judge broods "over the dispute until experiencing an intuitive spark…suddenly seeing the result (and) turns to legal rules and principles and attempts to construct a post hoc rationalization of the already-chosen result (by) constantly…(making) law because legal rules and principles…do not causally determine judicial outcomes" (p. 667).

Gadamerian hermeneutics and rejection of subject-object metaphysics.
Hermeneutics in traditional Western thought incorporated subject-object metaphysics. For example, a correct interpretation of a text or a law was premised on the notion that the text (in the Langdellian sense, the appellate decision) actuates as an object separate and independent from the subject and can be perceived and correctly

interpreted through a method bridging the reader with the text (appellate decision), so the reader can consciously reconstruct the intent of the author (appellate judge) from the plain language of the text.   Hermeneutical philosophers, Martin Heidegger (1962) and Hans-Georg Gadamer (1960/2006) reject this subject-object metaphysics that is so entrenched in Langdell's Socratic method. Gadamer rejects even the possibility that the subject mirrors the object or that interpretation is satisfied with only understanding the intent of the author, noting "the sense of a text in general reaches far beyond what its' author originally intended" (p. 365).

Gadamer urges that the very nature of hermeneutics requires always going "beyond mere reconstruction…(because) [w]e cannot avoid thinking about what the author accepted unquestioningly and hence did not consider, and bringing it into the openness of the question" (p. 367).   In the rejection of traditional subject-object metaphysics, Gadamer invents a new metaphysics based on understanding and interpretation. The act of being-in-the-world is interpretive and each interpretive event is ontological. For example, when one views a picture, subject and object are irrelevant because the picture itself is an ontological being that "does not disappear in pointing to something else but, in its own being shares in what it represents" (p. 146). "The picture also represents, but through itself, through the increment of meaning that it brings" (p. 148).

In the practice of law, interpretation, understanding, and application may be seen to exist as separate links in an orderly sequence of events.   First, a published judicial opinion exists. Then, a lawyer attempts to understand the opinion by interpreting it. Then, the lawyer applies the interpretation to the fact pattern manifested by a client's

troubles. Gadamer posits that understanding, interpretation and application are a unified process (Feldman, 1991). In doing so, Gadamer rejects the notion that interpretation is grounded on subject-object metaphysics. Instead, interpretation is an ontological event during which meaning manifests (Feldman, 1991).

Applying these concepts to this study, it is not my intent to reject all metaphysics but only the realist-antirealist and subject-object dichotomies, and instead, embrace Gadamer's alternative metaphysical view: The horizon of understanding. To do otherwise would be tantamount to dividing the lifeworld of online law professors into metaphysically real and metaphysically anti-real components. Since I have not yet formally taught law, in the pragmatic sense, I have had to start existentially--from a position of conscious void—to understand what it means to experience the day to day process of educating law and paralegal students. Aided by questions posed by Dr. Vontz, Dr. Talab, Dr. Stoney and Dr. Biniecki, my search to understand has led me to research the particular external forces impinging on law professors who are transitioning from the classroom to online teaching. Thus the metaphysical components of this study both enumerate and elaborate on the Four Immutables and Five Protean Challenges.

Gadamer explains that the encounter with the felt experiences of being in the world spurred by existential stirrings cannot be understood without applying the notion of prescience derived from confronting the structure of the world in which these stirrings of felt experience occur. Following Aristotle's metaphysical view, Gadamer notes science depends upon the world as a "medium in which it implements its own existence" (Gadamer, 1991, p. 22) in which we desire to comprehensively establish a practical relationship with the world and attain a "pure seeing of what is" (p. 22). It is our human

desire "[t]o ensure that nothing unknown or unfamiliar is within the horizon of vision" (p. 22).

For Gadamer, *theoria* reflects a desire to establish sufficient vision to avoid strangeness and the unknown. *Theoria* originates in *techne* which is true or genuine experience (erfahrung) . *Techne* does not mean merely becoming a skilled practitioner by imitating pre-fabricated steps. Instead, *techne* gives way to knowledge of why an event or an action is more effective than others in order to achieve desired outcomes. Gadamer sees attainment of *techne* as the result of exercising reflective distance. *Techne* goes beyond mere rule-following. *Techne* looks toward the combination of memory that allows generalization beyond a single experience and distancing in order to know when, where, and how to apply the rules so that "our having made something may times before leads to a wider circumspection" (p. 23). *Techne* links experiences with reasons and causations so that justification is not merely the result of a single successful performance.

Applying Gadamer's interpretation of Aristotle's theory of causality to legal instruction, law professors do not simply construct a curriculum or course syllabus on a whim but know why they are so constructing it and can reflect upon the need to do so with intent and contemplative distance through what Gadamer calls "anticipatory knowledge" and "care about" (p. 26). Likewise, my research paradigm requires that I not just have the knowledge to produce a new phenomenological exploration unique from those that have come before, but rather, by attention to causes, stand back and reflect on the best way to set up the phenomenological viewpoint by reviewing prior researcher's successes, recognizing room for improvement, and dwelling in a mindset

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open to new strategies. When one stretches *techne's* knowing at a distance and its' aim to achieve specific results, then one goes beyond the practical to *theori,* or knowledge for knowledge's sake.

Gadamer emphasizes how both *techne* and *theoria* embrace the ability to distance Self from an immediate situation. *Techne* aims at practical achievement and *theoria* "is itself a specific way in which the care of being-in-the-world is put into effect…not sought for the sake of anything else at all, but purely for the sake of its ownmost accomplishment of discovery and knowledge" (pp. 26-27). For Gadamer, care coupled with knowledge produces reasoning and a search for causation toward understanding our lifeworld. Gadamer classifies "scientific speech" as proximate to Socratic dialogue, (i.e. "a speech that lets the other person speak too") (p. 28).

MANDATES AND THE METAPHYSICAL

"Because the (metaphysical) world is a place of change, conflict, and tragedy, our mythic (better) worlds are not immune and may be confronted, modified, or destroyed entirely. Our traditions may collide with each other, each imperiously convinced of its absolute mandate"

(Alexander, 1992, p. 203).
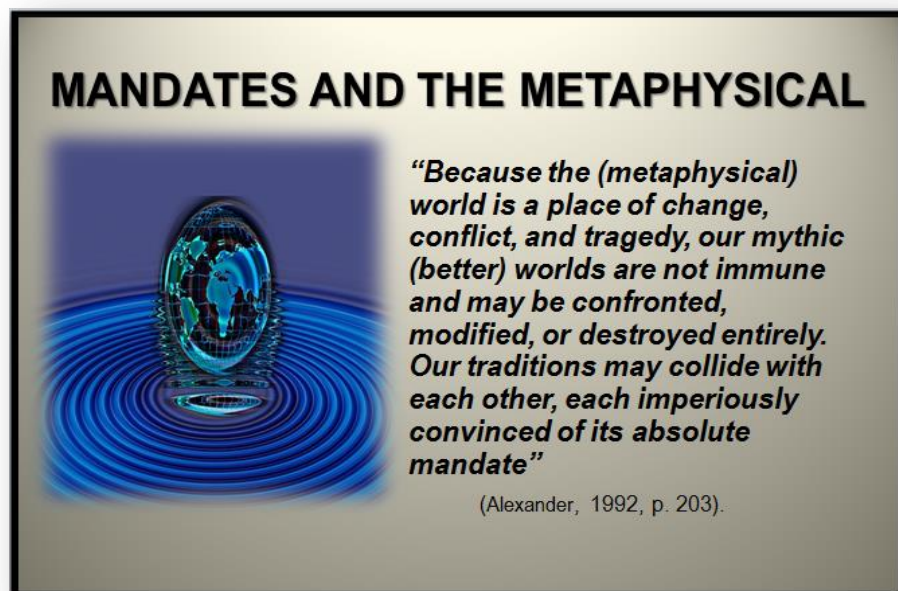
Gadamer equates Aristotle's notion of *theoria* with Socratic dialogue. Both emerge from the lifeworld yet embody some degree of distancing from the lifeworld to ultimately return to the lifeworld through dialogue with others. Gadamer distinguishes speech as dialogue that aims to clarify a subject from speech that seeks the outcomes

of practical productivity and successful interaction between Self and Others. From the perspective of Langdellian Socratic method, this means the law professor's aim is to expose the fact of the matter in the appellate case (issues, arguments, rules, holdings) through the process of balancing disagreement and agreement on all accounts.

The enigma of prescient speech. The exposure of timeless essence within the lifeworld identifies with all forms of self-expressive speech. However, in pre-scientific (prescient) speech, there is more self-expression than in scientific speech. The goal of prescient speech is to clarify Self and make that clarified Self visible to others in a "genuine way of being with another" without having "protected [self] from the other person's contradiction" (p. 37) so that true understanding remains unblocked. Prescient speech rises above over-simplification of the Other and Self. "Genuine being with one another can hardly be based on an understanding that pushes the other person away…but must be based on a way of being with him that refrains from claiming this kind of understanding of the other person and of oneself" (p. 38).

Gadamer espouses it is necessary to extinguish desire for Self in order to entirely hear the other and to work toward exposing false prejudices about one's own way of thinking or the Other's way of thinking. Engaging in prescient dialogue means both speakers do not pragmatically or pro-forma think each has understood the other before both sides fully engage in speech that assists one another in coming to an understanding.   Gadamer warns that without emphasizing this co-assistive effort, a degenerative trap is set in which one will inadequately understanding Self and subordinate desire to understand one's beliefs.

Thus, in my conceptualization of this study, I have had to remain attentive to enabling conversation that both hears and is heard lest prescient and scientific forms of speech devoir one another. Gadamer points out that scientific speech can degenerate by placing more weight on who is speaking than on what is said because "a real conversation itself already requires one to attend to the substantive intention of what is said and not to what the speech expresses" (p. 42). Moreover, scientific speech can degenerate when the desire to win trumps truth through a distorted emphasis on the strength of words offered solely for "refutation of others for the sake of refutation" (p. 49). Imbalanced speech, that is speech brought out of balance because the superiority of winning is the only objective, diminishes the subject matter and silences conversation. "[M]onologic speech aims to win, whereas dialogue aims at understanding the subject matter…even scientific speech requires input from another subject and is not achieved by attempting to reduce itself to the purely objective" (Barthold, 2010, p. 49).

Thus, metaphysics plays a role in every hermeneutically and phenomenologically oriented research paradigm. Metaphysics,(in both its prescient and scientific speech), along with reality, truth, and the existentiality of human existence inseparably act and endure. So, in the search for metaphysical, phenomenological and existential understanding in legal educators' lives to be memorably meaningful, that search must approach felt existence (i.e. What does it feel like to teach law online?); presence of being (i.e. What does it feel like to be present in the process of online teaching?); and essence of being (i.e. What is the essence, the primordial feeling of the experience of teaching law online?) Accordingly it is Gadamer's embrace of metaphysics to the

ultimate goal of understanding that particularly fits this study. However, Gadamer's lens does not completely address the current state of flux in legal education and how it fits into the larger aspects of the GLSI. Instability can cloud the researcher view from both the scientific and prescient horizons as well as the view from the Self to the Other and the Other to the Self.

John Dewey's metaphysical gaze adjusts for instability. In *Experience and Nature* (1929/1997), Educator John Dewey sees metaphysics as a way to face changes in the world with aesthetic sensitivity, imagination, and moral and social responsibility in order to meaningfully weave the past, present, and future together. Dewey sees the need to apply metaphysics when a world is in a period of destabilization. This destabilization may manifest when meanings and values that previously oriented understanding of events and actions begin to appear precarious or unstable. The professors in this study find themselves in just such a period of instability, inextricably entangled in the oscillations between the permanence and changeability of online legal education. It is the metaphysical meaning-giving structures of the Five immutables and the Five Protean Challenges that act as real world catalysts for exploration of both the professors' felt experiences and the Self-generational process of existentially experiencing them. This melding of the metaphysical and the existential maintains a humanized rigor and viability in my research design. However, without phenomenological attention to both the visible and invisible lifeworlds of law professors teaching online, the metaphysical and existential components of my exploration would fail.

Hermeneutic Phenomenology and Metaphysical Stance

The researcher's paradigm maps thinking patterns, serves as an exemplar for the research design, and requires the act of submitting to a particular stance (van Manen, 2014; Stanage, 1987; Merleau-Ponty, 1962).

Defining hermeneutic phenomenology. Phenomenology "is a philosophy of attention, of the careful description of the visible profile of things, while ever attentive to their hidden one" (Mortari & Tarozzi, 2010, p. 19). When I refer to phenomenology throughout this study, I mean hermeneutic phenomenology. "Hermeneutic phenomenology is the study (logos) of appearances or what gives or shows itself in experience or consciousness" (van Manen, 2014, p. 60). Both interpretive and descriptive, hermeneutic phenomenology is "a stance encompassing a passive-receptive way of being, an open attention, a reflective discipline—three postures that allow the researcher to become a phenomenological…tool" (Mortari & Tarozzi, 2010, p. 15). Van Manen calls this way of being "active passivity" (van Manen, 2014, p. 345).

As introduced in Chapter 1, my research aim is to enter into conversation with law professors about existential commonalities within The Transitioning Experience.[114] Contemplating my overarching research question, **"What does it feel like to live within The Transitioning Experience?",** I have realized that in order to open the way for W, S, L and my description and interpretation of the Phenomenon, my research method at its core should proceed pre-reflectively and without pedagogic, doctrinal,

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[114]**The Transitioning Experience.** The phenomenon of transitioning from classroom teaching where legal doctrine and standardized test content must be taught to online teaching where job-readiness skills, legal doctrine and standardized test content must be taught (The Four Pedagogic Immutables) and elements of the Five Protean Challenges impinge.

legal or emotional discourse predominating. That is a tall order for lawyer/educators whose professional lifeworld focus is ultimately on training students in the efficacy of launching a particular legal salvo in order to win a litigation battle.

Hermeneutic phenomenology is the only research method that will best allow the stripping away of legalistic contextual discourse to open law professors' lifeworlds to primordial existential elements. Hermeneutic phenomenology is "a method of abstemious reflection on the basic structures of the lived experience of human existence" (p. 26). I adhere to van Manen's explicative definitions of the method's components:

> [M]ethod is the way or attitude of approaching a phenomenon…
>
> [A]bstemious…means that reflecting on experience aims to abstain from theoretical, polemical, suppositional, and emotional intoxications…
>
> [H]ermeneutic…means that reflecting on experience must aim for discursive language and sensitive interpretive devices that make phenomenological analysis, explication, and description possible and intelligible...(and)
>
> [L]ived experience means that phenomenology reflects on the prereflective or prepredicative life of human existence as living through it (p. 26).

Realizing stance: The epoché reduction. Stance provides a context upon which to ground the logic and criteria of methodology (Crotty, 1998). Hermeneutic phenomenological methodology enables my way of being in the world with an attitudinal willingness to explore, try to describe and interpret something of the "what is" about law professors' Transitioning Experience that has the potential to emerge and show itself (Gadamer, 1997). Phenomenological methodology functions at the outset through the

epoché reduction, a view through the lens of natural attitude:[115] The epoché and the reduction means to explore "how certain phenomena…give themselves in lived experience (and to place) oneself in the open…to return to the world as we live it in the natural attitude…to open oneself to experience as lived—(van Manen, 2014, p. 222).

A particular worldview is the "filter through which phenomena are perceived and comprehended" (Miller & West, 1993, p. 3) evolved from ideas and beliefs formed in childhood and adult personal and professional social interactions (Goldhaber, 2000; Myers,1984). My personal worldview of myself and others feeds into my philosophical beliefs about The Transitioning Experience and how I propose to used hermeneutic phenomenological epoché reduction as the exploratory framework for this study (Creswell, 2013). There are four types of epoché reduction: methodological (approach), heuristic, (wonder); hermeneutic (openness); and experiential (concreteness) (van Manen, 2014). I acknowledge embracing all four types of epoché reduction to define, test and refine my worldview and make me more receptive to describing and interpreting The Transitioning Experience. Concentrated application of the methodological epoché-reduction in this study brings to the surface my ontological, epistemological and axiological beliefs as they manifest both metaphysically and existentially.

The methodological epoché-reduction (approach). Methodological objectivism expects specific methods and procedures, spelled out in advance of the

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[115] My research stance revealed through the epoché-reduction (precursor to the Reduction-Proper to be discussed in Chapter 5) opens up and frees me from all obstacles that make it impossible to approach the phenomenon of The Transitioning Experience. The "Reduction-Proper", (to be discussed in Chapter Five), will inform the direction of my textual and arts-based description and interpretation of the phenomenon through engagement of my "reflective phenomenological attitude that aims to address the uniqueness of the phenomenon as it shows or gives itself in its singularity" (van Manen, 2014, p. 228).

research, to produce a discrete and valid kind of knowledge. However, "method (as technique) does not give access to lived experience" (p. 228). As a subjective endeavor, method in hermeneutic phenomenology is the antithesis of method as technique. "[A]t every turn of the (phenomenological) inquiry process there is an implicit reliance on the taking on of a phenomenological attitude, requiring heuristic attentiveness, creative insight, interpretive sensibility, linguistic sensitivity" (p. 228), however not to the exclusion of "scholarly preparedness and tact" (p. 228).

Through methodological subjectivism, I have gained access to the private and inner lives of W, S, L and myself to the extent that I can reflect upon The Transitioning Experience "at a particular moment in time" (p. 227). I recognize the experiential account that comes out of this study is not to be offered as psychological exploration but rather "as a concrete plausible example of a possible human experience" (p. 227). Likewise, I make no claim that my data collection and data interpretation give me any valid insights into the personal or biographic worlds of the participants. However, the experiential account that I have garnered may help the professors, my readers and me to more thoughtfully understand living through The Transitioning Experience. To achieve and maintain methodological subjectivity throughout the study, I have resolved to bracket "all conventional techniques and (seek)…an approach that might fit most appropriately (The Transitioning Experience)…(understanding)…any particular line of inquiry constantly has to be invented anew and cannot be reduced to a general set of strategies or research techniques" (p. 226).

The heuristic epoché-reduction (wonder). While, the heuristic epoché-reduction continues active throughout the research process, it proved distinctly valuable

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during my preliminary questioning stages of this study. I initially contemplated the existential experiences of lawyer/educators Wythe, Langdell, and Turner and how their experiences have shaped three distinct epochs in U.S. and global legal education and legal practice. Then, I experienced a particularized moment of wonder upon realizing that W, S, L, and I, (by virtue of the ABA mandates and concomitant changes in the GLSI), hover on the brink of a fourth epoch of monumental change where the notion that law and lawyering can no longer be pursued in the taken-for-grantedness of doctrinal traditions. I continue to wonder that prior epochal legal tradition is forever shattered. I am "struck by the strangeness" (p. 223) of my unsettledness. Van Manen urges that it is in this disturbed posture of "discovering the miraculous moment of wonder…a question may emerge that both addresses us and is addressed by us….(to) animate one's questioning of the meaning of the lived experience of the world…(and) compelled by primordial thinking to see the unusual in the usual, the extraordinary in the ordinary" (p. 223). It is in just such a posture, after I had moved beyond any "vague and empty wallowing in 'feelings'" (Heidegger, 1994, p. 149), that I recognized The Transitioning Experience as a phenomenon in exigent need of study.

The hermeneutic epoché-reduction (openness). The hermeneutic epoché-reduction must be fully active in order to bracket all interpretations and explicate "reflectively whatever assumptions seem to need attention in writing the research text" (van Manen, 2014, p. 224). I engaged in open-ended conversations with W, S, and L and collected all study data with an open mind "to overcome…subjective or private feelings, preferences, inclinations, or expectations that may seduce or tempt (me) to come to premature, wishful or one-sided understandings" (p. 224) and from confronting

The Transitioning Experience as it is lived through. At the same time, the course of this study has showed me that completely forgetting my preunderstandings "is not really possible and therefore…various assumptions and interests may need to be explicated so as to exorcise them in an attempt to let speak that which wishes to speak" (p. 224). I have specifically experienced how difficult it is to explicate prejudices. In Chapter 5, I relate what happened when my prejudice for synchronous online learning modalities unexpectedly intruded into my conversations with W, S, and L.

The experiential epoché-reduction (concreteness). Concreteness "…consists of the epoché of bracketing all theory or theoretical meaning, all belief in what is (un)real, and aims at explicating…living meaning…(and) …concrete experiential facticities" (p. 225). During both the data collection and writing process,[116] I have employed the five lifeworld themes: Relationality—Lived Self-Other; Corporality—Lived Body; Spatiality—Lived Space; Temporality—Lived Time; and Materiality/Technology—Lived Things to explicate the living meaning of The Transitioning Experience (van Manen, 1990; van Manen, 2014). Below I provide an overview of the philosophical origins and the characteristics of each of the five existentials. Chapter 4 explicates the research methods I employed to capture W, S, L and my expressed experiential feelings under each of the five existential themes and explains how these existentials have conceptually guided the research questions, researcher reflection, interpretation

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[116] Van Manen suggests five structural alternatives to ground a research study's method: *thematically, analytically, exemplificatively, exegetically,* and *existentially* (p. 170-172):

    A combination of the …approaches may be used. Or a different organization may be invented (mindful that) [h]uman science research as writing is an original activity…(with) no systematic argument, no sequence of propositions that we must follow in order to arrive at a conclusion, a generalization, or a truth statement, because that would be to see writing itself as technical method (p. 173)

and writing. Chapter 5 explains application of my selected methods in light of data collected, begins a virtual existential adventure and introduces a sixth existential theme. Chapter 6 portends the existential essence of epiphanic journeying into the future.

Activating stance: The five existentials explicated. To the extent the five existentials have been influentially co-existent during the study, their combined effect is discussed below. As a prelude to demonstrating application of the existentials, I review the origins and practicality of existential textual organization followed by an embedded exegetic as to why an existential method of textual revelation has been selected in light of Gadamer's notions of aesthetic hermeneutics as well as arts-based research techniques.

Corporality—Lived Body. The existential theme of corporality has been used to guide this study's conversations, reflections, descriptions, and interpretations about how the body is felt when living through The Transitioning Experience. "We are always bodily in the world" (van Manen, 1990, p. 103) however, "in ordinary life the body tends to be experienced as passed over in silence" Van Manen (2014, p. 304). Corporality factors can be reached by asking questions such as: "How is the phenomenon we study perceived, sensed, touched by the body?...How do our desires, fears, cheerfulness, anxieties incarnate themselves in the world in which we dwell?...How do we experience the body in online activities?" (p. 304). Merleau-Ponty (1945/1962) regarded embodiment perceptually fundamental to understanding human phenomena:

> [M]y body appears to me as an attitude directed towards a certain existing or possible task…[I]ts spatiality is…a *spatiality of situation*…the anchoring of the active body in an object, the situation of the body in face of its tasks. Bodily

space can be distinguished from external space and envelop its parts instead of spreading them out… (p. 100)

Gadamer (1996b) sees the body not as a task-based object occupying space, but as "*Leib, as a* living bodily subject" (p. 134) measured from within that functions through lived experience (being-in-the-worldness) "a condition of being involved, of being in the world, of being together with one's fellow human beings, of active and rewarding engagement in one's everyday tasks" (Gadamer, 1996b, p. 113). Gadamer notes that when people feel bodily unwell, they become withdrawn and confined from the world and out of harmony in "a constant movement between the loss of equilibrium and the search for a new point of stability" (Gadamer, 1996b, p. 78). Teaching online encompasses an entirely new kind of search for bodily wellness, equilibrium and points of stability within cyberspace. Inherent in the act of perception, feelings "tune us into the world… give us a sense of where we stand…(and) present us with an all-pervasive sense of our existential predicament in the world" (Guignon, 2009, p. 195).

Dourish (2001) proposes the notion of *embodied interaction*, "the creation, manipulation and sharing of meaning through engaged interaction with artifacts" (p. 126), as the paradigm for how the lived body tunes-in to online environments. Embodied interaction focuses on physical, bodily, and social interaction with digital technology "grounded in everyday, mundane experience" (p. 125). "All human interaction with digital technology is embodied, in the sense that the technology is physically omnipresent in our everyday lives" (Svanaes, 2013, p. 3). The virtual environment affords "a new interrogation of the world and ourselves, and, consequently, the possibility of imagining other possible kinds of space, other possible ways of being a

body-that-becomes-space" (Palumbo, 2000, p. 65).

The use of informal, friendly conversation and visual imagery as exploratory tools in this study has meaningfully tapped into how W, S, L, and I bodily feel within The Transitioning Experience. As will be seen in Chapter 5, the professors' candid interchanges with me through both conversation and visual imagery have unsurfaced significant existentially felt moments of embodied human-computer interactions (Hornecker & Buur, 2006); kinesthetic interaction experienced from the perspective of the concept of lived-body (Moen, 2005; Larssen et al, 2006; & Larssen et al, 2007), problems related to interaction design and user experience (Overbecke, 2011), the embodied cognition perspective as it relates to improving usability (van Dijk, 2009), and the aesthetics of interactive performance (Kim & Seifert, 2007).

Spatiality—Lived Space. Experiencing *lived space (spatiality)* is "largely pre-verbal", outside ordinary reflection, and derives from how humans feel about the space they are in at any given time (van Manen, 1990, p. 102). This existentially "felt space" is the world in which a human being finds self "at home" and thus able to experience a sense of being (Seamon, 2012) so that "we may say that we become the space we are in" (van Manen, 1990). Lived space may be explored through experiencing "interiorities and exteriorities" (e.g. space in a lecture hall vs. space in an online platform), "how…we shape space and how space shape(s) us…how…we enter, dwell, and exit virtual spaces…or the computer screen…(or) the dimensions of cyberspace" (van Manen, 2014, p. 305).

Humans do not feel "at home" in the space they occupy unless that space affords meaning (van Manen, 1990). As revealed in Chapters 5 and 6, the conversations, texts,

and found-art in this study dramatically describe and interpret the meaningfulness, presence and absence of "at homeness"; rootedness; appropriation/ feelings of autonomy and control; at-easeness; regeneration; and warmth (i.e. the five lived qualities of "at homeness") (Seamon, 2012, p. 210) as W, S, and L have expressly felt (or not felt) them during The Transitioning Experience. Concomitant with the levels of "at homeness" revealed about W, S, and L's felt-space, the text (conversation, imagery, description and interpretation) in this study also embraces Gadamer's identification of space as a place of artistic and linguistic interpretation and festival (Kahan, 2012).

For Gadamer, "being that can be understood is language" (Gadamer, 1960/2006, p. 474) and "language within history creates the metaphysical space where …being can be understood" (Wachterhauser, 2002, p. 66-67). Thus, being in the space of the world cannot stand "outside the relationship between language and the world (but rather) within a common space of intelligibility and meaning, a common intelligible space that penetrates the world…experience…and languages" (p. 77). For Gadamer, language does not create reality's intelligible space but instead functions as the lens for reality where world, experience, and language intersect (Wachterhauser, 2002).

Gadamer's three dimensional concept of lived space is crucial to this study because the professors' pedagogic transitioning flows from the collision among the *legal world space* where doctrinal tradition is entrenched, the *experiential space* of lecture hall and classroom that gives way to teaching in cyberspace, and *the linguistic space* in which legal educators now must function via doctrinal discourse (i.e. the Langdellian Socratic method), vocational discourse (ABA mandates for teaching job-readiness) and asynchronous and synchronous e-learning discourse.

Temporality—Lived Time. Heidegger urged that without time, there is no being, concluding being is time (1925/2010). "[L]ived space and lived time are mingled. Space is an aspect of time, and time is experienced as space" (van Manen, 2014, p. 306). The intertwining of being, lived space and lived time manifest in life wishes, plans, goals and time periods of personal identity (e.g. times of childhood, periods of work, etc.) (van Manen, 2014). Gadamer richly addresses the epoch nature of time consciousness[117] in two essays "The Western View of the Inner Experience of Time and the Limits of Thought" (1977a) and "Concerning Empty and Ful-filled Time" (1973), in his discussion of experience in*Truth and Method* (1960/2006), and through the notion of the temporality of art and festival in *The Relevance of the Beautiful* (1977/1986).

As set out in Chapter 1, the epochs of time in legal education have been consciously advanced through the existentially motivated pedagogies of lawyer/educators Wythe, Langdell and Turner. Gadamer's emphasis on the historical epochal nature of time consciousness affords a particularly appropriate lens for exploration of legal educators' felt experience as they poise on the brink of a fourth epoch of change in U.S. and global legal education. By emulating Gadamer's focus on time experienced in the abode of textual and artistically felt-expression, Self held within time, and time experienced as festival in my data collection and data interpretation methods, I have been able to deeply mine W, S, and L's existentiality. Through both conversation and imagery, the professors openly and often poetically describe and

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[117]While scholars generally concur that Gadamer does not sustain a concept of nature of time consciousness throughout his writings, he sees the concordance of space and time in the teleological flow of experience happening at a particular time or within the flow of time (Kahan, 2012).

interpret how The Transitioning Experience abides as a time-present consciousness within which the "festival" of future pedagogy stirs.

Heidegger sees time awareness as incremental to understanding being. Gadamer focuses on Heidegger's view of time awareness as incremental to understanding being. Gadamer also focuses on the nature of the hermeneutic experience that results from the interpretive understanding of a text, object or person during distinct eras or epochs of time. In the essay, "The Western View of the Inner Experience of Time and the Limits of Thought" (1977b), Gadamer reasons:

> [T]he experience which man acquires as he passes through these different stages is a genuine form of experience of time itself. It is not the same as the counting and use of time…It is most closely connected with the historical sense, which is strictly speaking the awareness of epochs, of one's own epoch and, in an even more basic way, of the 'pastness' of an epoch: a stopping place in the constant flow of time, the establishment of a 'block of time'. (p. 43)

In "Concerning Empty and Ful-filled Time", Gadamer notes that through participation in and reflection on poetry and other works of art, the structure of human consciousness of time is revealed (Gadamer, 1973). Gadamer posits being draws upon the experience of place and time and the ability to understand Self in the here and now in order to understand a text, another person, or artistic works, (Vessey, 2007). In Chapter 5, I discuss how my data collection method has allowed the professors and me to explore this consciousness time-structuring through conversation and colorful images to achieve a textually, auditorily and visually rich representation of felt-time within The Transitioning Experience.

In *Truth and Method* (1960/2006) Gadamer connects time-consciousness to experience as both an expression of the epoch of human life where ritual and festival newly realize past meanings, and in the revelation of the future through present action (Vessey, 2007). In the essay "The Relevance of the Beautiful" (1986), Gadamer makes a key distinction between our sense of time as "empty", (waiting for determination), and "fulfilled" time:

> [A] totally different experience of time…is profoundly related to the kind of time characteristic of both the festival and the work of art. [T]he festival fulfills every moment of its duration…(and) does not come about because someone has empty time to fill up…[T]he time only becomes festive with the arrival of the festival …The calculating way in which we normally manage and dispose of our time is, as it were, brought to a standstill. (p. 42)

The new epoch of legal education is the festival and the festival defines the epoch. The exploration of festival and epoch in this study has evolved both pragmatically and phenomenologically. During data collection and analysis, I phenomenologically watched for markers of felt, fulfilled, empty, and festival time and at the same time pragmatically watched for ways, if any, in which the ABA's mandates obfuscated W, S, and L's pedagogical and personal managing and disposing of online teaching time. The professors did indeed speak of felt experiences, (both rewarding and distressing), occurring during online teaching time. Yet, they did not vocally attribute those experiences to the ABA's 2013 and 2014 mandates for job-ready professional skills training. The professors made it very clear that in both classroom teaching and transitioning into online teaching, they consistently used both skills-based

pedagogy and the Socratic method. W, S, and L are the exception. As I explored in

Chapter 2, both classroom-based and online U.S. legal education continues to be

almost exclusively based on the Socratic method.   When the professors spoke of

teaching professional skills, they did talk about what it feels like to pack the space of

each semester's online stretch of time with both doctrinal and professional skills

instruction.

Therefore, it has not been the ABA's new mandates that have caused

unsettledness in the professors' online transition but the online experience itself that has

created personally and professionally felt tension within the continuum of online space

and time. Chapter 5 is replete with examples of how the professors have openly

revealed their time and space consciousness. In cathartic fashion, each of the

professors speaks, often in amazingly poetic voice and with keen awareness, of the

significance their own lives contribute to the 21st Century epoch of time.[118]

Materiality/Technology—Lived things.   Gadamer's notion of learning to

experience anew (festival of fulfilled time) benchmarks teaching both legal doctrine and

professional skills online. As legal educators experience online encounters with

students, internal feelings of Self still predominate as both teacher and students find

their way to surpass the limitations imposed by the "things" of elearning (e.g.,embodied

virtuality, online time, space, and existential presence). The existential theme of

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[118] Classroom teaching characterized by lecture/Socratic method during specific and regular segments of the day (scheduled class time) and scheduled office hours for real-time meetings with students yields in contrast to the flexibility and potential frustration of 24-hour asynchronous online teaching time. Thereby, both the professors and their students have the potential for perpetual student to student and student to instructor interaction, introducing a new epoch of instructional time-consciousness. During data collection, these aspects of asynchronous teaching generated strongly felt experience—W, S, and L's professorial duties overlapping with and impeding personal life engendered feelings of chaos, complex loss, and lack of at-homeness in the virtual space.

materiality reflects on the significance of these "things" in the lifeworld, how these "things" are experienced and how experiencing "things" contribute to the essential meaning of a phenomenon (van Manen, 2014).   The professors express a felt experience of transition through and within the things of the cyber-lifeworld. Where they express recognition of Self in lifeworld things, the things may be seen to contribute to personal identity as extensions of body and mind (Latour, 2007). Technological things have agency that exert moral force on the lifeworld experience. Things present within different scales: "micro", "hyper", "secret", or "cyborg". Micro-things can be nano-small and fall outside human senses. Hyper-things are massive and ecological (e.g. the phenomenon of global warming) or complex, difficult, and elusive (e.g. city atmosphere, horror of war, the spectacle of the Grand Canyon) (Latour, 2007; Verbeek, 2005). Secret things can be personal items, thoughts, deeds, experiences, events, and discoveries that are hidden. Cyborg things trigger four kinds of lived cyborg relations: experiencing technology as taken-for-granted, ontically, as technics, and aesthetically (van Manen, 2014).

Van Manen notes technology defines "our historical being and fate, the ruinous consequences of which we may not be able to escape" (p. 308). Technology can also be experienced as technics and aesthetically. Technology experienced as technics "brings the cyborgian nature of being human to consciousness" in order to understand the ethical and political implications of what it means to be "caught up in the latest technological innovations (p. 309; Stiegler, 2010). To experience technology aesthetically conceptualizes how it feels for technology to overcome the constraints of the physical body, to experience a cyborgian body consisting of both organic and

inorganic parts, humans as extensions of computerized technologies, the humanness of things having feelings, how student-teacher relations are changing as education adapts to the technological aspects of changing pedagogies (van Manen, 2014). In Chapter 5, I show how professors S and L express a cyborgian event metaphorically experienced as crawling inside the computer with their students.

   Relationality—Lived Self-Other. The intuitive circle of the five existential themes is completed through contemplation of how it feels to experience lived body, lived space, lived time, and lived things in the context of lifeworld connectedness (relationality). The existential theme of relationality guides my reflections in Chapter 5 regarding how W, S, L and I express Self and Others within The Transitioning Experience. I have heeded van Manen's inclusion of guiding questions to channel exploration enabled by the relationality theme:

   "How are people or things connected" What (is the) meaning of community?
   What (are the) ethics of being together?...How is the self experienced in relation?
   In what ways is the subject-object relation constituted? Is the other experienced
   as object or in his or her otherness (alterity)?....How is contact online
   experienced differently from real-life contact in our encounters with others?" (van
   Manen, 2014, p. 303).

   As set out in Chapter 2, educational researchers and designers have variously viewed relationality in distance learning as online presence or virtual presence. Personal interactions always occur through virtual "bodily" meetings where, through physical (bodily) presence, each person reveals something about Self and at the same time conceals something about Self (van Manen, 1990). Throughout data collection

and writing, I have looked for the felt-experience of relationality manifesting as a transcendence of Self:

> [T]he interpersonal space…approach[ed]…in a corporeal way…yields a transcendence of the self where [i]n a larger existential sense human beings have searched in this experience of the other, the communal, the social for a sense of purpose in life, meaningfulness, grounds for living…(van Manen, 1990, pgs. 104-105).

Gadamer conceptualizes existence of Self and self-understanding through turning toward others in conversation and dialogue, affirming that understanding is inseparable from dialogue (Barthold, 2015). For Gadamer, dialogue manifests truth: "To reach an understanding in a dialogue is not merely a matter of putting oneself forward and successfully asserting one's own point of view, but being transformed into a communion in which we do not remain what we were" (Gadamer, 1960/2006, p. 379). Engaging in a truthful dialogue becomes a four-fold undertaking: 1) Focus on *die Sache*, the subject matter where dialogue is not a debate nor subjective understanding of others but rather a coming to agreement about the matter itself; 2) Hearing with openness and newness to forge connection with others; 3) Willingly voicing reasons and justifications about personal views with openness to the voice of the other; and 4) commitment to Socrates' adage "I know that I know nothing" about the subject matter where a spirit of "humble playfulness" catches and loses self and others in a connection that "like engaging play…we want to keep going" (Barthold, n.p.). Gadamer warns that a person must always examine Self intersubjectively in order to keep dialogue's openness and newness alive noting, "everyone is in principle limited…I experience my

own limitation through the encounter with the Other, and…I must always learn to experience anew if I am ever to be in a position to surpass my limits (Gadamer, 2000, p. 284). The festival of the five existentials is the thematic lens through which dialogue (conversational, textual, and artistic), reveals lived experience.

The hermeneutic circle's path toward horizons of understanding. In *Truth and Method,* (1960/2006), Gadamer addresses the circular nature of interpretation. Recognizing Heidegger's exposition of both textual and artistic interpretation as cyclical,[119] Gadamer (1960/2006) reconceptualizes the hermeneutic circle as the conversational interactive process in which reality is explored with others and agreement is reached to forge a new mutual understanding. Dialogue is a "circle of understanding (that) describes an element of the ontological structure " that flows "from the commonality that binds us to… tradition" (p. 293). Thus, the hermeneutic circle is always a productive activity unconcerned with individuality but rather concerned "with the truth of what is said" (p. 293) so that the unique "truth of self-understanding" emerges (Ramberg & Gjesdal, 2014, n.p.).

To reach a methodological approach that intends to enable conversational expression rich in the truth of self understanding, I am persuaded by Gadamer's call for further refinement of textual interpretation through " revealing…what the thing itself already points to…to attempt to interpret that which at the same time conceals itself"

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[119]Heidegger, (1925/2010) developed the concept of the *hermeneutic circle* to enable textual understanding through admission that neither the whole text nor any individual part can be understood without reference to one another creating a circle of interpretation informed by the text's cultural, historical, and literary context. Heidegger also applied the hermeneutic circle to artistic dialogue: "[T]hus we are compelled to follow the circle…In order to discover the nature of the art that really prevails in the work, let us go to the actual work and ask the work what and how it is." (Heidegger, 1998, p. 285).

(Gadamer, 1986, p. 68). This study's methodological frame of reference that has elicited data through conversation, text and visual imagery seeks to find meaning, both readily visible and concealed, and to interpret revelations. Gadamer extends the text's revelation of itself when something that is already an interpretation is confronted. For example, in the case of a work of art, "we actually interpret an interpretation" (p. 68). In Chapter 5, I provide specific examples of how my incorporation of the arts-based use of images from **pixabay.com** (a vast repository of free-for-use color images) awakened meaning as the professors described and interpreted felt experience.

Gadamer's multi-dimensional fusion of horizons. In *Hermeneutics and Truth,* (1957.1994), Gadamer first uses the phrase "fusion of horizons" (p. 44) to denote the culminating moment of understanding. "It is at the moment of comprehension that the horizons fuse" (Gadamer, 1960/2006, p. 397). Gadamer defines horizon as "…the range of vision that includes everything that can be seen from a particular vantage point" (1960/2006, p. 301) including dimensions of time and distance, beliefs, desires, and imaginings all formed by personal and socio-cultural history that collectively insinuate an encompassing understanding. The horizon is "…something into which we move and moves with us" (p. 303).

The point where horizons fuse is marked by a broader understanding of another's views in light of the contexts that shape both one's own perspective and another's perspective. "This process leads to a joint creation of a new understanding about oneself, the other, the subject of discussion and the encounter as well as about the limits of knowledge" (Tsirogianni & Andreouli, 2011, p. 5.2).   The fusion of horizons does not involve an act of empathy (where one speaks for another) nor a synthesis

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(where one voice speaks alone) with the other participating in the fusion. The fusion may be elusively mobile or colored by prejudice. "The fusion of horizons is based on a multi-voiced discourse" focused toward a new horizon (Rees, 2003, p. 3). When the horizon is completely familiar and static, comprehension is non-existent. As the horizon changes according to the personal vantage point, a polarity of tension exists between the strange and the familiar in order to spur understanding (Davey, 2006) and "[u]nderstanding begins…when something addresses us" (p. 298).

Clues to ontological revelation: Horizons of aesthetics, play, festival, and symbol. For Gadamer, understanding grows out of gaze and interest directed toward a horizon fraught with possibility, open future, new experience and new meaning (Davey, 2006) that occurs through "the support of familiar and common understanding (that) makes possible the venture into the alien, the lifting up of something out of the alien, and thus the broadening of our own experience of the world" (Gadamer, 1977a, p. 15).

I acknowledge that the fusion of arts-based research and hermeneutical phenomenology might be seen as alien to the world of legal educational research. However, I argue the circle of understanding elucidated

through textual conversation and writing including poetic, visual and auditory components reveal my hermeneutic phenomenological research stance and enable

existential viability through the four types of epoché reduction: methodological

(approach); heuristic (wonder); hermeneutic (openness); and experiential

(concreteness) (van Manen, 2014).

Gadamer, van Manen, and arts-based researchers (e.g. Eisner, 2002; Leavy,

2009) endorse vivid textual interpretation. Gadamer advocates hermeneutic

interpretation and aesthetics to supersede the "pleasurable distractions of aesthetic

consciousness in order to disclose the cultural and linguistic realities that manifest

themselves… (through)…hermenological involvement with the subject matters of art

rather than disinterested detachment" (Davey, 2011, n.p.). Art works remain ethically

significant forms realized through dialogical interpretation, harboring the "ability to

disrupt and challenge customary expectations" (n.p.). According to Malpas (2014), in

The Relevance of the Beautiful, Gadamer envisions art as play, symbol and festival:

> …always showing something more than is literally present to us…referring
>
> outside itself…(and) no matter what its medium, opens up, through its symbolic
>
> character, a space in which both the world, and our own being in the world, are
>
> brought to light as a single, but inexhaustibly rich totality. (n.p.)

Van Manen (1990) recognizes the value of merging artistic text into the

hermeneutical research paradigm and acknowledges the experiential lifeworld can be a

fertile source for both artist and phenomenologist:

> [A]rtists are involved in giving shape to their lived experience, the products of art
>
> are, in a sense, lived experiences transformed into transcended configurations
>
> (p. 74). Just as the poet or the novelist attempts to grasp the essence of some
>
> experience in literary form, so the phenomenologist attempts to grasp the

essence of some experience in a phenomenological description. A genuine

artistic expression is not just representational or imitational of some event in the

world. Rather, it transcends the experiential world in an act of reflective

existence.. (pp. 96-97)

Intentional images and "play-full" conversations.   Dialogue is not a "univocal

phenomenon" (Vessey, 2000, p. 70). Engaging in hermeneutic research necessitates

understanding dialogic varieties, dialogic limitations, and weighing the power of each

variety. Through inter-personal dialogue, "subjectivity is displaced…(and) one does not

control the progression of the dialogue" (Vessey, 2000, p. 71). The social act of

dialogue is a form of play where "the real subject of the game is not the players, but the

game itself" (Gadamer, 1960/2006, p. 106). Both inter-personal dialogue and aesthetic

experience are play that effectuates "making something present" (Vessey, 2000, p. 71).

"This play, which manifests all the elements of play tied to the displacement of

subjectivity, is the being of art" (p. 71). Gadamer addresses "play" as the aesthetic

experience between the viewer and the art itself.

Early in this study's design process, I first contemplated incorporating dialogical

play by offering the professors opportunity to visually express felt-experience through

the selection of open-source images from the hundreds of thousands offered on the

pixabay website. I questioned what power any image W, S, L or I might select would

have. Would a specific image, once selected, effect sufficient power as a visual

dialogical component in the experiential conversation? I undertook a preliminary

exploration to address the question by incorporating pixabay images into my reflective

dissertation diary that I have maintained since the idea for this study began. I have

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come to understand that each time I look at an image selected for a particular diary entry, the encounter takes on a new vocative meaning. Gadamer (1997) explains:

> [A]n artwork is never exhausted. It never becomes empty…No work of art addresses us always in the same way…[W]e must answer it differently each time we encounter it. Other susceptibilities, other attentiveness, other opennesses in ourselves permit that one, unique, single, and self-same unity of artistic assertion to generate an inexhaustible multiplicity of answers. (p. 44)

I deeply encountered the experiential power of pixabay images when I listened and watched the professors use their selected images as a vehicle to explain their existentially felt experiences. I have also become much more aware of the metaphorical power of images as I have search pixabay for additional found-art to illustrate methodological, descriptive, interpretive, and metaphorical points in this study. I have been particularly surprised by the way color images have helped me to come to a better Self understanding of the illusive and complex nuances of existentially felt experience. For example, in late December, 2014 and early January, 2015, I found myself increasingly full of questions about harmonizing the epoché-reduction, the five existentials, and my inquiry stance in relationship to Gadamer and van Manen's hermeneutic positioning. Recalling van Manen's observation that phenomenology is not a science of answers but of questions, I was contemplating his reference to Nietsche's adage ""Whoever is searching for the human being first must find the lantern" (van Manen, 1990, p. 4). Wearied by the search, I found myself fully willing to experience the epoché-reduction of wonder "…compelled by primordial thinking to see the unusual in the usual, the extraordinary in the ordinary" (van Manen, 2014, p. 223). So, I began

to search the pixabay website for an artistic image, a voice that might respond to my

questioning…

Wondering Through Pixabay

Journal December 29, 2014: .. I try to harmonize and understand Heidegger, van Manen, and Gadamer's views of the five existentials,,, [T]hey each seem to speak of the lifeworld, lived body, spatiality, time, inter-personal dialogue and technology as if on a plane of flat circularity: the interpretive hermeneutic circle laid upon a linear plane…Gadamer's interpretative horizons and fusion of horizons plotted upon the ubiquitously one-dimensional circle… horizons of understanding and periodic fusions curving along the same flat surface.
Journal December 31, 2014. Reading again, searching the incongruence. Van Manen is silent. Why are Heidegger, Gadamer, and van Manen's descriptions so one-dimensional when the four existentials are decidedly three-dimensional?: My corporality, my lived body, and those of the professors are…not… "Flat Stanleys" scooting around hermeneutical curves drawn on a one-dimensional sheet of paper…the professors and I go about our separate and converging lifeworlds, occupying three-dimensional spaces in the reality of the online learning platform and in the virtuality of e-learning space…

Journal Entry: January 2, 2015. The professorial time-warp, moving from "set" class, lecture, and office time hours into blended real time: flex-time… live creation of course content…real and virtual…placing courses online, live synchronicity and asynchronicity stretching teaching moments into hours or even weeks, waiting for the class to weigh-in.
Is there a multi-dimensional image for this essence?

Journal Entry: January 4, 2015. Image Found!
Embodied searching space, other, and time,
Revolutions reveling in reciprocal mime;
Arcing thready into the deep--
Lifeworld vowing an existential leap!
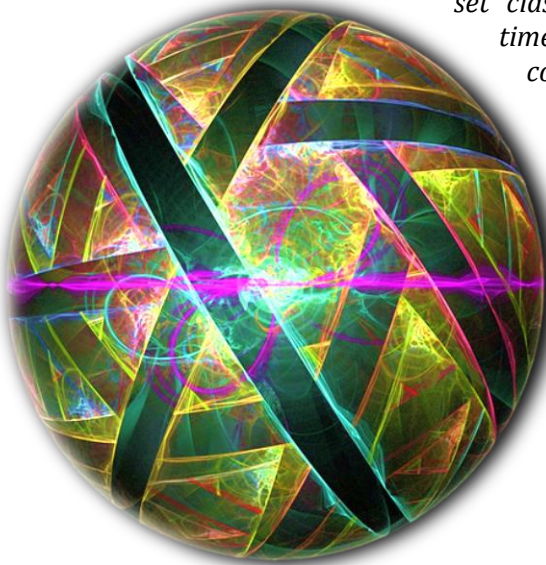
Lifeworld wonders, existential vistas, and

wordless speech. My conversations with W, S, and L in shared aesthetic and artistic

dialogue have yielded deeper and richer research data than transcripts of conversation

alone. 20th century educators Elliott Eisner and J. Gary Knowles are particularly noted

for the use of art forms as research catalysts. In stark contrast to the quantitative lens

where data is consistently presented through the positivist framing of statistical analysis,

in arts-based research, feeling-based aspects of social life are brought forth through transformative powers of consciousness awareness, sensory refinement, promotion of autonomy, and complex emotional renderings (Eisner, 2002). By the 1990's, arts-based practices contributed to a major shift in academic research (Sinner et al., 2006) and in response to the social justice movements of the 1960s and 1970s (Leavy, 2009). Educational researchers engage in arts-based methodology ("ABER") to "enhance perspectives pertaining to…human activities…educational in character" and incorporate "*design elements* that infuse the inquiry process and the research 'text' (with) the ultimate goal… (of) the betterment of educational policy and practice" (Barone & Eisner, 2008, pgs. 95-96) (and) work toward a powerful transmutation of feelings, thoughts, and images into an aesthetic form" (Barone & Eisner, 2008, p. 96 [italics in original]).

Through conversation, text and pixabay found-art, I gleaned themes and thematic statements in order to write "more phenomenologically sensitive paragraphs" (van Manen, 1990, p. 95). Van Manen joins Gadamer, Eisner and Knowles' recognition of artistic media's ability to stimulate thematic material. Van Manen (1990) notes the phenomenologist/researcher may gather thematic elements from artistic sources to provide a study with a transcendent component:

A genuine artistic expression…transcends the experiential world in an act of reflective existence. An artistic text differs from the text of everyday talking and acting in that it is always arrived at in a reflective mood. (p. 97) Because artists are involved in giving shape to their lived experience, the products of art are, in a sense, lived experiences, transformed into transcended configurations. (p. 74)

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Rigor anchored within the validating circle of inquiry. I seek to participate as a member of the phenomenological "tradition of scholarship" (p. 27) within the "validating circle of inquiry" (van Manen, 1990, p. 27) through both rigorous methodology and rigorous method. A prerequisite to exercising rigor in a qualitative study is recognizing the distinction between methodology and method. "Methodology is the theory behind the method, including the study of what method one should follow and why…(whereas) a certain *mode* of inquiry is implied in the notion "method" (p. 28). Rigor in phenomenological research does not mean that either the methodology or the method bog-down in rigid rules or procedures. "The methodology of phenomenology is such that it posits an approach toward research that aims at being presuppositionless" (van Manen, 1990, p. 29).

The professors' lifeworlds are both the source and the subject of this phenomenological inquiry. In order to undertake this study of how the professors feel as they experience dramatic changes in their pedagogical world, I have oriented toward directly exposing the felt-meaning of the professors' pedagogical experiences. Since all presuppositions are suspended during the exposition, all that remains is the lived pedagogical experience itself laid bare. "[T]he meaning of the pedagogy (and how the professors feel about it) must be found" (p. 53). My methodological beliefs have led to an existential hermeneutic approach particularly grounded in the philosophies of van Manen and Gadamer that advocate search throughout lifeworlds "for lived-experience material that upon reflective examination might yield something of its fundamental nature" (p. 53). This implies a concern for constructing a particular type of knowledge (Morrow & Brown, 1994). In this study, that knowledge is specific to how the professors

feel as they experience the impact of pedagogical change within the life world components of lived-body, lived-time, lived-space, materiality, and relationality.

Establishing methodological congruence without presupposition. In effort to produce a cohesive research proposal, the first four chapters of this study are organized following the concept of *methodological congruence* (Morse & Richards, 2002). Methodology emphasizes the interconnectivity and interrelationality of the study purposes, questions, and methods. Adhering to this plan yields "a cohesive whole rather than…fragmented isolated parts" (Creswell, 2013, p. 50). The congruent structuring of the study is not opposed to this researcher's intent to launch the study without presuppositions in place. This is evident from the open-ended nature of my definition of the phenomenon under examination (The Transitioning Experience) as informed by the five phenomenological lifeworld existentials of corporality, spatiality, temporality, materiality/technology, and relationality (van Manen, 1990; van Manen, 2014):

> **The Transitioning Experience.** The phenomenon of transition from classroom teaching where legal doctrine and standardized test content must be taught to online teaching where job-readiness skills, legal doctrine and standardized test content must be taught (The Four Pedagogic Immutables) and elements of the Five Protean Challenges impinge.

The absence of presuppositions is also evident in the open-ended nature of the overarching research question:

"What does it feel like to live within The Transitioning Experience?"

Including interpretive arts-based research techniques has afforded the professors and me open-ended access to over 840,000 pixabay images to help convey felt-expression in an effort "to ward off any tendency toward constructing a predetermined set of fixed procedures, techniques and concepts that would rule-govern the research

project" (van Manen, 1990, p. 29). These methodological rationales maintain the reflective character of the study while following hermeneutical paths. "[T]he paths…cannot be determined by fixed signposts. They need to be discovered or invented as a response to the question at hand"(p. 29).

Conclusion

This Chapter has presented my methodological stance guided by ontological, epistemological, and axiological philosophical assumptions. This Chapter has included my rationale for electing to be guided by the five existential themes: lived-body, lived-space, lived-time, lived-materiality/technology, and lived-relationality. The Chapter has also presented reflection about hermeneutic paths of phenomenological essence and moods retrievable along the circle of understanding, the fusion of interpretive horizons, and the incorporation of arts-based research methods in preparation for revealing my specific research method in Chapter 4, writing the results of my research in Chapter 5, and projecting the implications in Chapter 6 in a manner that truly reflects the professors' and my converging and diverging metaphysical, phenomenological, hermeneutic, and existential lifeworlds. I have done so to provide a conversational medium for the professors, myself, and you, my reader that embraces our different realities (Creswell, 2013).

Chapter 4
Method

Introduction

Chapter 3 explained my methodological stance. I believe existential expression about a phenomenon can be most deeply mined through multiple communication forms. This Chapter expands on specific modalities I have invented to engage W, S, and L in conversation and found-art to open the way toward multi-layered and multi-themed phenomenological description and interpretation. The five existential themes serve as catalysts for open-ended, shared felt-expression. The following sections explicate the research method: (1) research question, (2) means of data collection, (3) means of data analysis, and (4) validity.

Research Question

Evocative phenomenological analysis is guided by "a phenomenological question, on the lived meaning of a human phenomenon that is experientially recognizable and experientially accessible" (van Manen, 2014, p. 297):

…a question that comprises an element of

wonder: discovering the extraordinary in the ordinary, the strange in the take

n for granted…what is given in immediate experience and how it is given or

appears to us—it asks what a possible human experience is like… (van Manen,

2014, p. 298).

The question cannot be abstract, theoretical, conceptual or ask for explanations,

perceptions, views, or interpretations (van Manen, 1990). Adhering to the epoché-

reduction described in Chapter 3 is particularly difficult for all participants in this study

because lawyers are attuned ethically and professionally to assertions focused on

disclosing, maintaining, explaining and proving discrete legal tenants and theories.

Lack of absention or suspension of belief in the lawyering position (whether on behalf of

clients or in legal education forums) ensures a potential to "stand in the way from

opening up access to the originary or the living meaning of a phenomenon" (p. 215).

Phenomenology craves the backstory--the lawyer's prereflective experiences

foundational to the assertion held "in the taken-for-granted spheres of (the) everyday

lifeworld" (van Manen, 2014, p. 215).

To reach the essence of the lawyer/educator backstory, I have designed this

study to be an exploratory "wondering"—wondering through conversation and

wondering through found-art imagery. True to the epoché and reduction, the wondering

journey cannot begin without fully confronting the external baggage of the

lawyer/educator lifeworld. That is why the research question in this study is predicated

upon full exposure of the phenomenon to be explored. As elucidated in Chapter 1, The

Transitioning Experience in commonality for W, S, and L is defined as:

The Transitioning Experience.   The phenomenon of transitioning from classroom teaching where legal doctrine and standardized test content must be taught to online teaching where job-readiness skills, legal doctrine and standardized test content must be taught (The Four Pedagogic Immutables) and elements of the Five Protean Challenges[120] impinge.

My research of The Transitioning Experience is motivated by a single open-ended question:

"What does it feel like to live within The Transitioning Experience?"

Before I engaged in conversations with W, S, and L, I had a hunch that in the beginning the professors might feel displaced and at a loss for words when asked to disclose felt experience. When experiences leave humans with a loss for words, "such experiences…are often, if not always accompanied by what the ancient Greeks named as the experience of wonder" (Risser, 2011). Wonder "arises when understanding, with the use of concepts and the use of language, breaks down…(and) signals a certain placelessness" with respect to the experience (p. 222). Yet, "[t]o be left almost speechless in wonder, one can say, is to be at the opening of thinking and thus speaking" (p. 222).   When experiences leave us speechless, Gadamer (1970) says:

> Language deserts us, and it deserts us precisely because what enlightens is standing so strongly before our ever more encompassing gaze that words would not be adequate to grasp it…Yet I would say that when speech deserts us, what this really means is that one would like to say so much that one does not know where to begin. (p. 14)

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[120]*See* Chapter 2--The Five Protean Challenges identified for purposes of this study are HE Technology-Driven Demand, GLSI Digital Overdrive, Enrollment and Tuition Crises, Legal Education's Multi-Cultural Limitations, and the Online Design and Delivery Conundrum.

To begin to find the words to express wonderings about the subject of this study, I ascribe to the arts-based research strategy of allowing image to evoke speech and speech to evoke image. "The question of the breakdown of speech

> *"He who wonders discovers that this in itself is wonder."*
> --M.C. Escher.

thus becomes the question of where we are to find the words for what we cannot say" (Risser, 2011, p. 222). "A picture can become for us a highway between a particular thing and a universal feeling" (Fitzhenry, 1993, p. 45[quoting Lawren Harris]).

Questioning through the existentials. In addition to incorporating arts-based methods to open W, S, and L to the wondering experience, I explored The Transitioning Experience through thematically invited existential reflection. Chapter 3 introduced the five lifeworld existentials of lived body (corporeality), lived space (spatiality), lived time (temporality), lived things and technology (materiality), and lived relation (relationality) as heuristic guides to explore how the professors feel within their transitioning experience. Each of the existentials belong in everyone's lifeworld as "universal themes of life" (p. 302). Until my conversations with the professors began, it was premature to anticipate what specific questions might arise during open-ended conversation. However, I intended to ask questions that went beyond dialogue. I did not want to remain at the conversation level in which W, S, L and I would merely tell each other generally about existentially felt experience during online transitioning. It is conversation about specific felt-instances during The Transitioning Experience that are existentially transcendent. Therefore, I emailed the professors exemplar questions for each of the existentials several days before I engaged in conversations with them. The Exemplar Questions anchored the in-depth conversations, texts, and found-art

interchange. The Exemplar Questions were also available during the conversations for reference.

Topics and Exemplar Questions:

(Corporeality—Lived Body) Have you been particularly aware of how your body feels at any time(s) during The Transitioning Experience? Can you describe a specific instance of what it was like to experience this bodily feeling?

(**Temporality—Lived Time)** Have you been particularly aware of how time feels during various aspects of The Transitioning Experience (i.e. design, delivery, interaction with students)? Can you describe a specific instance of what it was like to experience this feeling of time?

 (Spatiality—Lived Space) What kind(s) of space do you feel like you inhabit while you engage in The Transitioning Experience? What does space feel like when you teach online? What does space feel like when you teach in the classroom? Can you describe a particular instance when you felt space in that way?

(Materiality--Lived Things & Technology) How do specific things around you feel during The Transitioning Experience? (The room you are in? The chair you sit in? The place that you stand? How does it feel to experience technology during The Transitioning Experience? (e.g., Your computer? The online platform? Cyberspace? Visual images? etc.) Can you describe a particular instance when you felt things (or technology) in that way? What does it mean to you to feel that way about (e.g., the room you are in? the chair you sit in? the place that you stand? your computer? the online platform? cyberspace? visual images?

(Relationality—Lived Self-Other) What does your classroom contact with others feel like during The Transitioning Experience? What does your online contact with others feel like during The Transitioning Experience? What does your relationship with yourself feel like during classroom (online) participation? What does your relationship with others feel like during classroom (online) participation? What does the contact feel like during synchronous online

sessions? Can you describe particular instances when you felt this relationship?

Data Collection

Phenomenological data collection "get(s) to the meaning structures of our experiences" (p. 215) by gathering "enough experientially rich accounts that make possible the figuration of powerful experiential examples or anecdotes that help to make contact with life as it is lived" (p. 353) and that contain "just the right amount of experiential material (whether in single sentence or story form) that creates a scholarly and reflective phenomenological text" (p. 353).

Honoring the epoché and reduction during data collection. Chapter 3 introduced the extent to which hermeneutic phenomenological research brackets presumptions, common understandings and scientific explanations and their suspension via the phenomenological epoché. The reduction operates to "gain insights into the prereflective meanings that may show themselves in an ordinary experience" (p. 217) through [t]he phenomenological attitude…sustained by wonder, attentiveness, and a desire for meaning" (p. 220). Chapter 3 also introduced and described the four methical moments of the epoché-reduction: heuristic reduction, hermeneutic reduction, experiential reduction and methodological reduction. The selection and application of data collection methods used in this study are specifically meant to honor the four methical moments. Hermeneutic phenomenological research borrows its data collection methods from the social sciences (e.g. interviews, observation, participation) but the modes of inquiry critically differ from those employed in social science ethnography, narrative inquiry and critical theory. The hermeneutic phenomenological data collection methods "primarily aim to gather prereflective

experiential accounts" (p. 311) with the researcher adopting the stance of phenomenological reduction under the four methodical moments. Van Manen (2014) advocates accomplishing this through empirical methods:

> Empirical methods (are)… research activities that provide…experiential material…personal descriptions of experiences, gathering written experiences from others, interviewing for experiential accounts, observing experiences, identifying fictional experiences, and exploring imaginal experiences from other aesthetic sources. (p. 312)

This study explores examples and varieties of the professors' lived experiences of their transition "anywhere in the lifeworld" (p. 313) through the use of found-art from the pixabay website, anecdotes, narratives, and stories collected through either face-to-face conversational interviews or online during video-conferenced conversational interviews using the **[zoom.us cloud platform](zoom.us)**. In person conversational interviewing was recorded with a stand-alone digital tape recorder and digital backup. Conversational interviewing online was recorded through the **zoom.us** encrypting function to ensure confidentiality.

I have initiated this study aware of my own experience as an online learner, a teacher, and a lawyer to gain "clues for orienting to the phenomenon and thus to all the other dimensions of phenomenological research" (van Manen, 2014, p. 313). Phenomenological inquiry involves "an implicit reliance on the taking on of a phenomenological attitude, requiring heuristic attentiveness, creative insight, interpretive sensibility, linguistic sensitivity, and scholarly preparedness and fact" (p. 228). Particular subjective and objective data collection methods prominent in

quantitative and other qualitative research are inapposite to the phenomenological attitude. I have used my own online learner, educator and lawyer experiences to strengthen the descriptive, interpretive, analytical, and predictive renditions in Chapters 5 and 6.

The phenomenological data collection process brackets away methodological subjectivism (which would collect data for the purpose of analyzing the professors' feelings psychologically or determining whether the professors actually experience the feeling(s) expressed) and methodological objectivism (pre-defining methods and procedures with the expectation that field research will produce a particular kind of data). A flexible, scholarly, original and creative approach is necessary to avoid these subjective and objective data collection methods that would impede access to the professors' lived experience. My approach is necessarily experimental, fusing "the reflective and the prereflective life" (p. 227) of the professors' consciousness "with a methodologically informed inventiveness" (p. 227). Phenomenological research is more likely to obtain rich and detailed experiential accounts from participants where wonder, openness, and concreteness operate in harmony.

Data collection and wonder. The heuristic reduction "aims to awaken a profound sense of wonder about the phenomenon…(where) [w]onder is the unwilled willingness to meet what is utterly strange in what is most familiar" (p. 223). This study aims to offer law professors, (whether participants or readers), the opportunity to wonder about their experiential feelings within the five existential themes discussed above aided by personal access and control over thousands of color pixabay images.

Human experience (phenomenon) is the data of human science research (van Manen, 1990; van Manen, 2014).

I employed the straightforward way of collecting existentially-motivated data from the professors by asking each of them to describe a particular personal experience with the phenomenon. Van Manen calls this a "*lived-experience description* (LED)" (p. 314 [italics in original]). In order to provide a context for wonderings about personal encounters within The Transitioning Experience, each professor in the study was asked to select one color image from pixabay that called up a specific recollection under each of the five existential themes discussed above. Prior to the time of the interviews, I asked each professor to email the five images along with a short caption identifying which existential theme was depicted. The professors were simultaneously emailed the following chart and prefatory comments:

Five existential themes are universal to everyone's lifeworld: Lived body (corporeality), lived space (spatiality), lived time (temporality), lived relation (relationality), and lived things and technology (materiality). Each of the five color images you select from the open source website may serve as a metaphor for how you feel about each of the five existential lifeworld themes as you travel through The Transitioning Experience. You may wish to use the following chart as a guide as you choose your images:

Five Existential Lifeworld Themes	Exploratory Questions
1. Corporeality—Lived Body	How do you bodily feel?
2. Spatiality—Lived Space	How do you experience your internal, personal space? How do you experience external spaces (including computerized virtual spaces)?
3. Temporality—Lived Time	How do you subjectively experience time?
4. Relationality—Lived Self-Other	How are your students and you connected? How is your online contact experienced differently than real-life contact?
5. Materiality—Lived Things (Includes Technology)	How do you experience things (including technology)? How does your experience of things (including technology) contribute to meaning? How do you recognize yourself in the things (including technology) present in your transitioning world?

Concepts adapted from: Max van Manen (2014). *Phenomenology of Practice: Meaning-Giving Methods in Phenomenological Research and Writing* (pp. 302-310). Walnut Creek, CA: Left Coast Press.

As I had hoped, the professors' selection of the five images in advance of the interviews opened a gateway toward vivid and detailed experientially and existentially descriptive and interpretive outpourings during the conversational interview process opening the way for the virtual existential journeying experiences set out in Chapters 5 and 6.

Data collection and openness. The hermeneutic reduction "consists of a search for genuine openness in one's conversational relation with the phenomenon" (p. 224). This involves forgetting vested interests and preunderstandings to remain radically open to the phenomenon and at the same time, "realize that forgetting one's preunderstandings is not really possible" so that "these various assumptions and interests may need to be explicated..to exorcise them…to let speak that which wishes to speak" (p. 224). The conversational interviews with each professor were of approximately an hour in duration. I encouraged the professors to attend the interviews by video-conferencing hosted by zoom.us in accord with their transitioning to online instruction. I had planned for the conversational interviews to employ a blended phenomenological and hermeneutic approach conducted more or less in two consecutive phases: Phase One (phenomenologically descriptive) and Phase Two (hermeneutically explanatory). What actually happened during the conversations was that my orderly plan was pre-empted by each professor's blended outpourings about the five existential themes. Yes, the conversations were richly phenomenologically descriptive and hermeneutically explanatory but not in the two-step manner I had pre-planned. I soon realized that to have tried to strictly adhere to my plan would have stifled the existential depth and significance of the story-telling. Although each of the

conversational interviews occurred on separate days, none of the professors know one

another, and had only a limited acquaintance with me prior to the conversations, each of

them in turn spoke in a poetically vocative voice about their felt existential experiences.

I do not believe the professors knew they were doing that, and I did not call it to their

attention. However, the contents of Chapters 5 and 6 attest to the power of the

professors' vocative voices. I cannot explain why this phenomenon occurred in each of

the conversations other than to suggest that offering the professors their choice of color

images as prompts contributed.

In any event, an overview of my projected two-phase plan adapted from van

Manen (2014) appears below. I had a copy of the plan with me for reference during all

three conversations. Yet, despite my attempts to chronologically adhere to the plan, the

professors' eagerness to tell what they felt, both descriptively and interpretively,

overwhelmed the process. While most of the elements of both phases were active

during the conversations, they operated in a merged fashion:

> ***Phase One: Conversation and concreteness.*** The conversation will
>
> begin with a phenomenological approach that is anticipated to explore and gather
>
> the professors experiential narratives, stories or anecdotes (LED's) about the
>
> transition experience as resources for phenomenological reflection and a richer
>
> and deeper understanding of the professors' pre-reflective feelings about their
>
> transition experiences, steering the professors and myself away from indulging in
>
> opinions, viewpoints, perceptions, perspectives and interpretations. Recognizing
>
> how difficult it is to guide the professors toward actually telling a detailed
>
> experiential account in prereflective terms without interspersing views,

interpretations, or opinions, I intend to share my own LED, an instance of relevant personal experience without my personal viewpoint, interpretations, or opinion as illustration. Using each professor's five pixabay images to further jump-start the process, the conversation will proceed by asking the professor to think of the specific instances that prompted him/her to choose each of the five pixabay images and then asking him/her to describe each of the situations in a stream of consciousness exploring the feelings, thoughts, images sensations, and memories that each of the instances conjure. I will employ very limited steering questions where the conversation seems to digress into opinion, viewpoint or interpretation by re-phrasing the overarching question, "How did the experience feel?" as well as steering questions as needed including "When did the experience happen?" and "What were you doing at the time?" If others were involved, "Who said what?"; "What happened next?"; and "What else do you remember about the event?" (p. 316). The goal in the conversation phase is to "gain a limited number of detailed and concrete stories" (p. 317). Bracketing "all theory or theoretical meaning", suspension of "abstractions in favor of concrete experiential facticities" (p. 225) and remaining "continually oriented to the beginning, to experience as lived" (p. 226) fulfills the experiential epoché-reduction element of "concreteness" (p. 225).

Phase Two: Interpreting wonder, openness and concreteness. The interview Phase Two, (hermeneutic conversation) will aim to explore "the ways that fundamental phenomenological notions…can be understood" (p. 317). During this phase, it is important to blend and infuse understanding The

Transitioning Experience with a sense of wonder, openness and concreteness.

During this phase, I will seek the professors assistance in the interpretation of the

empirical data (lived experience accounts) gained through the professors telling

of their LED stories in Phase One and the images they select from **pixabay.com.**

The following schematic provides an overview of my proposed interviewing technique

adapted from van Manen's two-phase process:

PHENOMENOLOGICAL EXPLORATION	HERMENEUTIC INTERPRETATION
(Phase One) ⟶	(Phase Two)
Exclude Interpretation	Engage Interpretation
Goal: Reveal Stories	Goal: Understand Stories
Process: Share personal experience	Process: Share Interpretation
>stream of consciousness	>stories
>without viewpoint	>LED's
>without perceptions	>pixabay.com images
Perpetuate: Pre-reflective Feelings	Perpetuate: Sense of wonder
> Images	>Openness
>Memories	> Concreteness
>Sensations	>Thinking Forward

Fig. 3.   Schematic adapted from van Manen 2-Phase Interview Process

Additional data artifacts. To enrich the interpretive experience, I encouraged

W, S, and L to use pixabay images. Before and after the conversational interviews, I

continued to create visual and textual field notes in my dissertation diary. Arts-based

visual and textual field notes can serve as additional forms of documentation and

interpretation (Leavy, 2015). When I first envisioned this project, I began a journal

(dissertation diary) that blends both electronic and hand-written entries. I realized interplay between reflective text in my journaling and my selection of pixabay images allowed me to engage multiple senses and meanings that dynamically opened the study to multiple presentation modalities (textual, artistic, visual, virtual, auditory) in Chapters 5 and 6. I am guided by Ralph Waldo Emerson's reflections in 1841:

> Because the soul is progressive, it never quite repeats itself, but in every act attempts the production of a new and fairer whole…Thus in our fine arts, not imitation but creation is the aim…The artist must employ the symbols in use in his day…to convey his enlarged sense…Art is the need to create…Art should exhilarate, and throw down the walls of circumstance on every side, awakening in the beholder the same sense of universal relation and power which the work evinced in the artist. (cited in Logan, 1955, p. 43)

Managing Confidential Research Data. Maintaining confidentiality of participant identity and research data during this study have been of paramount concern.

> **Participant identity:** Through the data collection and data analysis stages, multiple safeguards have continued to be in place. First, the location of each participant and respective educational institution has been masked by denoting generally that a participant teaches at an institution in the central region of the U.S. and indicating that for the purposes of the study, the central region of the U.S. includes 11 states: Minnesota, Nebraska, Texas, North Dakota, South Dakota, Kansas, Oklahoma, Wisconsin, Iowa, Missouri and Arkansas. To further screen participant identity, each participant is referred to in the dissertation proper only by the single initial W, S, or L and otherwise noted in research data

through a key-coded number identity. The key to each participant's actual name

and number ID code along with each participant's consent form bearing the

participant's actual name and signature have been segregated from all other

study data by storing them in a separate locked file cabinet that does not contain

any other study data.

Recorded Interviews: Interviews were recorded in the field on-site and/or

remotely over the internet via the zoom.us meeting application.

> **On-site interviewing.** I used a non-computer connected hand-held digital
>
> voice recorder to record interviews (with USB connection capabilities)
>
> during on-site field interviewing. A second non-computer connected hand-
>
> held digital voice recorder (also with USB connection capabilities)
>
> provided digital backup. Upon upload to an internet connected computer
>
> as an MPEG3 file, I encrypted the audio recording(s) using my
>
> computer's local file encryption software.
>
> z**oom.us. online interviewing.** I selected zoom.us as the platform for
>
> online recorded interviews. Zoom.us provides the security of end-to-end
>
> encryption during an entire meeting.   At the conclusion of zoom.us
>
> interviewing, an MPEG-3 file (audio only) of the recording was
>
> downloaded using my computer's local file encryption software.

Transcription of recorded interviews. I transcribed the interviews using

Transcribe! software by Seventh String. During the transcription process,

Transcribe! Software allows the computer to be disconnected from the internet to

further preserve participant confidentiality. Once transcribed, the interviews were encrypted using my internal computer encryption hardware.

E-mails: All encrypted transcripts of the recorded conversational interviews were sent through encrypted email to the professors. The professors opened the emails by following a link to a secure online site that provided a one-time key code to open the encrypted transcript.

Data Storage.   A computer that has never been online provides a very secure data storage for encrypted interview transcriptions and encrypted e-mails between participants and researcher. Data is transferred from the internet connected computer to encrypted thumb drive(s). The encrypted thumb drive(s) are then used to upload data into encrypted files on to the non-internet connected computer.

Means of Data Analysis

Data analysis applies an emergent strategy through a vocative presentation that follows the nature of the data itself. I ascribe to van Manen's (2014) reflection that phenomenological writing is an act of the rational, nonrational and resonance. In its rationality, it tries to "systematically explore the meaning structures of a phenomenon" (p. 240). In its nonrationality, it finds "expressive means to penetrate and stir up the prereflective substrates of experience" (p. 240) as lived. Through both rationality and nonrationality, the act of writing phenomenologically endeavors to stir resonance in the reader drawn to the "plausibility of an experience" (p. 240). Yet, in its rationality, nonrationality and resonance, writing is not truly phenomenological unless it is vocative. The vocative sources are contained in audio and video conversational and imaged data.

The audio and video data for this study have been reduced to transcripts using Transcribe! software. All of the data was reviewed, annotated, and categorized employing the five existential themes in anticipation of writing Chapters Five and Six.

Blending the reduction and the vocative. The word *voke* derives from *vocare* (to call) and etymologically from *voice, sound, language, and tone* as well as *to address* and *bring to speech* (van Manen, 2014). However, the presence of "voking features of a text" requires both uttered speech and attentive listening to engage the experience of "emotional and ethical responsiveness" (p. 240). Phenomenology does not present findings or results. It takes an aesthetic imperative of multi-dimensional writing in a poetizing form to achieve vocative phenomenological text. Through the poetizing form, I have generated phenomenological text that offers the reader entry into the "incantative, evocative speaking…(and) primal telling" realm (p. 241). Van Manen observes:

> Poetizing is thinking on original experience and…speaking in a more primal sense. Language that authentically speaks the world rather than abstractly speaking of it is a language that reverberates the world; as Merleau-Ponty says, a language that sings the world (1973)…a primal incantation…which hearkens back to the silence from which the words emanate…(to) discover what lies at the ontological core of our being. So that in the words, or, perhaps better, in spite of the words, we find memories that paradoxically we never thought or felt before. (p. 241)

As I pondered the prospects of rendering vocative, poetizing text, I resolved to employ van Manen's five vocative voices: The revocative, the evocative, the invocative, the convocative, and the provocative:

Van Manen's Five Vocative Voices

Voice	Concept	Characteristics	Applications
Revocative	Lived-throughness	Vivid/symbolically enlivened; frees reader to recognize experiences without reflection or thinking.	Anecdotes Expressive narrative Qualitative imagery
Evocative	Nearness	Calls reader to attentive recognition, understanding and sense of experiential proximity to phenomenon.	Anecdotes from interviews, observation, personal experience, related literature, and written or imagined accounts. Concrete imagery, metaphor and poetry.
Invocative	Intensification	Acoustically rich, audible imagery intensifies textual philologies.	Alliteration, assonance, rhythm, internal rhyme.
Convocative	Pathic	Sensitive to experiential, moral, emotional, and personal dimensions. Empathetic rather than gnostic, cognitive, intellectual or technical.	Simultaneously prereflective and "thought-full" writing. Text expresses mood, sensibility, sensuality, and felt sense of being.
Provocative	Epiphany	Transformative toward sudden intuitive grasp of life meaning. Spurs action.	Concrete, evocative, and "wonder-full" tone.

Fig. 4. Adapted fr. van Manen, 2014, pp. 240-296.

The revocative: Lived throughness. When I write in the revocative voice, I aim to bring the professors felt experience "vividly into presence (through the power of experiential anecdote, expressive narrative, and qualitative imagery" (p. 241). To write revocatively is to understand that the reader should be free to recognize immediately and without reflection or thinking that what the professors have experientially felt is within the realm of possibility in human life. "Revoking our words is to go back on our

word—not to betray them, but to return to those conditions before the world fixed meaning and form…" (p. 241). In this way, I have written to restore the reader's contact with the lived life and lived worlds of The Transitioning Experience within the context of language that Gadamer (1986) calls *vivid*:

> Imagination is the general capacity to have an intuition . . . even without the presence of the object…We only praise vividness—which sets our intuitive capacities in motion—when it particularly enlivens our "symbolic" or "conceptual" understanding…[I]n the use of language, in rhetoric and literature…the concept "vivid" is truly at home: namely, as a special quality of description and narration such that we see "before us," so to speak, what is not as such seen, but is told. (pp. 158–163)

The Evocative: Nearness. Through the evocative voice, I have written text that speaks addressively with "reverberative meanings" and with "a stirring quality that involves a sentient or emotional faculty…a feeling understanding" so that the reader might exclaim, "This text speaks to me!" (p. 249). However, I recognize that writing to stir my readers toward a closer contact with written text does not mean that I can obviate or even overshadow concrete experience. Van Manen observes that the evocative voice is both the voice of "feeling understanding...that pulls toward a sense of nearness" and textual concrete imagery that "pulls toward the particular" (p. 250).

The invocative: Intensification. The invocative voice "intensifies philological aspects of the text so that the words intensify their sense and sensuous sensibility" (p. 260). I have used the invocative voice through linguistic devices that make the words in my text "more intense, memorable, and quotable" (p. 260). Specifically, I have

intensified the language of the text through the repetition of words like the beat in music that "tends to appeal to our embodied sensibility…(through) [R]epetition of sensed qualities…alliteration, assonance, rhythm, and internal rhyme...(contributing) an acoustic richness, an audible imagery to the text" with an eye to enhance the "reality feeling of…implicit meaning" (p. 260). The philosophic sages of the phenomenological world endorse such invocations: Heidegger speaks of "thinging" of things; Merleau-Ponty speaks of the "singing the world" (p. 260).

 The convocative: Pathic. The convocative voice writes "its life meaning…(to make) demand on, the reader (for)…a moment of meaningfulness…at the core of much human searching and reflection…(that) produces a certain kind of noncognitive pathic knowledge:

> Knowledge is pathic to the extent that the act of practice depends on the sense and sensuality of the body, personal presence, relational perceptiveness, tact for knowing what to say and do in contingent situations, thoughtful routines and practices, and other aspects of knowledge that are in part prereflective, and yet…full of thought. (p. 267)
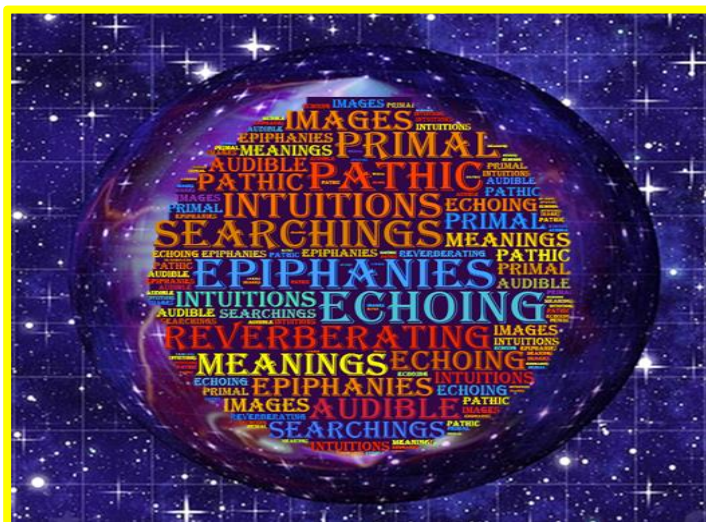
The provocative: Epiphany. By writing in the provocative voice, I mean to stir my readers to an epiphany about the phenomenon that provokes action. When a text has a provocative quality, "its

deeper meaning may exercise and provoke a transformative effect on the self of the reader..to the sudden perception or intuitive grasp of the life meaning…"(p. 293). At the same time, I have endeavored to write in a manner cognizant that phenomenology does not yield determinative answers but rather general and plausible insights. I recognize that the professors' insights and my insights may not apply to the reader(s) "concrete individual situations" because each experiential encounter within the cohesion of law, education, and cyberspace will differ. In Chapter 5, I have written with the goal to open my readers to plausible insights about "the kind of ethical predicaments that are suggested in the phenomenon…and what are the active normative responses (advice, policies, tactful practices….)" (p. 281). Chapter 6 is forward looking and includes an excursion into virtuality meant to echo and reinforce the textual voice that seeks to stir up feeling that challenges my reader(s) to an epiphany. My personal guiding questions in front of my mind's eye for Chapter 5 have been: "Who are my readers?" "How can I present a text that so thoughtfully reveals how it feels within The Transitioning Experience that my readers will be interested enough to enter into self-contemplation about it?" Van Manen (2014) articulates the mission:

> A text that is thoughtful—which reflects on life while reflecting life—…[t]he researcher-as-author is challenged to construct a phenomenological text that possesses concreteness, evocativeness, intensity, tone, and epiphany (p. 296).

My overarching goal as been to produce a thoughtful phenomenological text that is both the outgrowth of my penchant to explore the existential particularities of The Transitioning Experience as well as "a *philosophical orientation* to use" the professors' revelations to study the meaning of their felt experiences (Creswell, 2013, p. 273).

Chapter 5 interweaves the revelation my own felt experiences (epoché), examining the data from significant statements about what W, S, and L's felt-experience(s) mean, and clusters these significant statements into broader themes that form the basis for a cohesive narrative description of the felt experience (*textural description)*, and how the professors experienced it (*structural description*) and interpretive narrative, poetic renditions and imagery to convey the *essence* of the experience (Creswell, 2013).

My writings in Chapter 5 are concomitantly heuristic to instill wonder to expose the "depthful question" that makes the reader "truly wonder about the meaning of human existence" (van Manen, 2014, p. 376); experiential to push away from theory and insert lived experience data into the text (i.e. anecdotes, examples, fragments, images, and stories that seem concrete embodiment of the investigated phenomenon); phenomenologically thematic (to insert succinct thematic phrasings "that are discerned in the activity of theme analysis of the concrete or experiential material" (p. 377) converted to narratives; insight cultivating (to include reflection on sources that draw on other scholarly, literary, phenomenological related texts); vocative (to strive for text that speaks to the reader's whole embodied being); and interpretive (to expose deeper sensibilities, speculations, and surprising insights about the meaning of life and the human condition) (van Manen, 2014). Writing the text of the study "is not a mechanical process—it requires a creative sense of logic and a developing textual tact" (p. 378). In Chapter 5, I have endeavored to solidify the metaphysical, phenomenological, hermeneutic, and existential validity of this study through writing that is formative, expositive, and vocative.

Validity, Reliability, and Evidence

Phenomenological research and writing is inapposite to methodological application of tests and measures, content, criterion-related and construct validating methods operative in quantitative educational research as well as qualitative methodologies that use coding, labeling, classifying types of procedures, external validation concepts (e.g. sample size, sampling selection criteria, member checking, empirical generalization, and triangulation) (van Manen, 2014). Schutz (1970) warns that mixing methods negatively alters the concepts formed:

> [C]hoose the scheme of reference adequate to the problem you are interested in, consider its limits and possibilities, make its terms compatible and consistent with one another, and having once accepted it, stick to it! If…the ramifications of your problem lead you…to the acceptance of other schemes of reference and interpretations, do not forget that with the change in the scheme all terms in the formerly used scheme necessarily undergo a shift of meaning. (p. 270).

Phenomenological value of validity. The value of phenomenological research and writing eschews the factual empirical to dwell within the compass of the existential empirical meaning structures of the phenomenon (van Manen, 2014). Evaluating the validity of this phenomenological study should be sought through "appraisal of the originality of insights and the soundness of interpretive processes demonstrated "(p. 348). Barthes (1986) eloquently warns:

> Some people speak of method greedily, demandingly; what they want to work is method; to them it never seems rigorous enough, formal enough. Method becomes a Law…the invariable fact is that a work which constantly proclaims its

will-to-method is ultimately sterile: everything has been put into the method,

nothing remains for the writing; the researcher insists that his text will be

methodological, but this text never comes; no surer way to kill a piece of

research and send it to join the great scrap heap of abandoned projects than

Method. (p. 318)

Evaluating validity. While formulating Chapters 5 and 6, I have used van

Manen's questions to test the level of validity of the text (both written words and

imagery):

1. Does the study flow out of the valid phenomenological question: "What is this experience like?"
2. Does the text contain experientially descriptive analysis and avoid perceptions, opinions, beliefs, and views?
3. Is the study well-rooted in primary and scholarly phenomenological literature?
4. Does the study avoid validation criteria from non-phenomenological methodologies?
5. Does the text heuristically engender a sense of contemplative wonder and questioning?
6. Is the experiential material in the text rich and recognizable?
7. Does the text offer interpretive depth through reflective insights beyond the taken-for-granted in everyday life?
8. Is the text distinctively rigorous constantly guided by a self-critical questioning of the phenomenon's meaning?
9. Does the text strongly and addressively "speak" to the human sense of embodied being?
10. Does the text engender experiential awakening of prereflective or primal experience through vocative and presentative language?
11. Does the study offer inceptual epiphany, the possibility of deeper and original insight, intuition or inspired grasp of the ethics and ethos of the lifeworld?

Fig. 5. (van Manen, 2014, pp. 350-351 & 355-356 [paraphrased]).

Reliability, evidence, and generalization. Reliability in some qualitative

research may be measured by the repeatability of a study. Such a measure does not

apply to "phenomenological studies of the same 'phenomenon' (that) can be very

different in their results (and) strive for new and surprising insights" (p. 351). The non-repeatability of a phenomenological study flows from the notion that "phenomenological evidence is ultimately ambiguous and never complete…(having) to do with grasping the meaning of a phenomenon" (p. 352). Its evidence flows from "interior intuitive understanding…meaning-based and based on the logic of eidetic reduction" as opposed to empirical, evidence-based research interested in exterior knowledge, generalized logic, observation, and quantification.

Phenomenological research does generalize in two unique ways: Existential generalization and singular generalization. Existential generalization "orients to eidetic or essential understanding" (p. 352) of what, in an existential sense, is universal about a phenomenon. In this study, existential generalizations portraying the thematically composite experiences of the professors' feelings as they encounter The Transitioning Experience lifeworld may give voice to the reader's own experience. The singular generalization "orients to what is singular or unique" (p. 352). The singular generalization in this study may flow from a particular story told by one of the professors that then may cause the reader "to recognize what is universal about (the) phenomenon" (p. 352).

Bias. Bias in a study is characteristically linked to notions of misinterpretation or over-interpretation that may hinder the validity of a quantitative study. The phenomenological study's bias fail-safe is the epoché that "should defeat bias that occurs from unexamined assumptions, personal or systematic prejudices, and closed-mindedness" (p. 354). The caveat acknowledges that "understanding presumes

preunderstandings (where) prejudices are not only unavoidable,…(but) necessary, as long as they are self-reflectively aware" (p. 354).

Ethical Issues

Ethical issues applicable to this study have been observed during all phases. Professional association standards have been reviewed and are followed regarding both educational research studies, legal research studies, and lawyer ethics standards. As an overarching protection of the confidentiality of the law professor participants, the three have been exclusively referred to only by the alphabet letters W, S, and L. The research site institutions and their professors are particularly selected because neither the institutions nor the professors have a vested interest in the outcome of the study. The site institutions are referred to generally as universities with either a law school and/or paralegal studies program located in the central section of the United States. Prior to conducting field research, the study was submitted for Kansas State University Institutional Review Board approval and signed consent forms were obtained from W, S, and L.

The participants were contacted and informed of the general purpose of the study. Prior to conducting field research, the participants were asked to sign the consent forms but told they were not forced to do so. During data collection, the institutional sites were disrupted as little as possible to gain access to the professors. The professors were encouraged to take part in the conversational interviews by video-conference conducted on the **zoom.us** platform with no cost to the participants or their facilities. To avoid deception and risks to the participants and the institutions, the consent forms disclosed to W, S, and L the type of study and the type of data

anticipated to be collected, and submission of collected and interpreted data was reviewed with them when appropriate to check for accuracy and clarify meaning.

Conclusion

This Chapter has revealed my research method, the continuity between my overarching research question and the Phenomenon as defined, my field research plan for including conversational interviews, and pixabay imagery to generate data that deeply mines descriptive and interpretive paths into the professors' transitional online lifeworlds. The Chapter has elucidated the concepts of wonder, openness, concreteness and vocative voice in anticipation of executing the research method in the field. Safeguards to protect the confidentiality of the research data, the professor participants and their institutions were discussed. A preview of my means of data analysis employed to write Chapters 5 and 6 has closed the Chapter.

Chapter 5

Adventure Into Pathic Understanding

Introduction

This Chapter opens an adventure into beginning to understand the existentiality of professorial lifeworlds. With invention as catalyst, the rigors of hermeneutic phenomenological research call for richly descriptive and interpretive analysis in order to achieve a measure of pathic understanding about the phenomenon under study (van Manen, 2007):

> The term pathic implicates forms of expressive understanding that we call em-
> pathic and sym-pathic...[T]he terms empathy and sympathy suggest that this
> understanding is not primarily gnostic, cognitive, intellectual, technical—but
> rather that it is, indeed, pathic: involving the emotions, the body, the poetic, the
> pathetic, and the pathically inspired. (van Manen, 2014, p. 268)

As a teacher and researcher, I am interested in a deeper pathic understanding of how higher education professors can garner tools to improve pedagogical practice and concomitantly enrich professional and personal lives. Van Manen (2007) calls this particular kind of search for pathic understanding and its pragmatic and ethical applications regarding how to conduct Self as an educator the "phenomenology of practice:

> ...In some sense all phenomenology is oriented to practice—the practice of living.
> But from the perspective of our pragmatic and ethical concerns we (teachers)
> have a special interest in phenomenology. We have questions of how to act in
> everyday situations and relations. This pragmatic concern I will call the

"phenomenology of practice." Thus, we wish to explore how a phemonology of practice may speak to our personal and professional lives. (p. 13)

The phenomenology of practice focuses its heuristic strength toward opening an educator up to the "primal or pre-theoretical dimensions of practice" and the pathic "general mood, sensibility, sensuality, and felt sense of being" (p. 20).

Invoking wonder has opened the primal and pathic dimensions of this study. Through the fusion of lifeworld understanding and thirst for heuristic fulfillment, my wonderings implicate a virtual journey into pathic understanding. While engaged with the professors in conversation and writing the text of this study, I have been mindful that the heuristic focus of my research should be rigorous and methodical but also intuitive and fluid. To keep this focus, throughout this Chapter and Chapter 6, I write text that blends rational exploration of the meaning structures of the Phenomenon while at the same time, letting go enough to think nonrationally and to write vocatively. It is the tension between rigorous methodology and vocative flow that allows the Phenomenon to speak. Within this dual pre-reflective yet analytical lens, a new attitude emerges.—The attitude of the vocative and the epoché and reduction (van Manen, 2014).

When I write vocatively, it means I do so poetically and without arriving at strict findings or absolute results. Vocative thinking, speaking, and writing uses a primordial

voice. The primordial voice hungrily grasps. It cries out. It resounds. It reverberates the lifeworld. It is a primal telling that strives to evoke memories of new ways of Being. Fresh at hand. Never thought or felt before. So, my task in this Chapter and Chapter 6 is to produce a text that resonates to the degree you as reader may both heuristically and pathically understand the professors' and my felt experiences as portrayed, believing in both their possibilities and plausabilities (van Manen, 2014).

However, the full power of wonder and wondering may be jeopardized.— A researcher's pre-judgmental thoughts may obscure the vocative text, dim the Phenomenon's voice, block understanding, and obscure the goal of the phenomenology of practice. Generally, the epoché is the suspension or removal of whatever obstructs the researcher's, study participants', or ultimately, the reader's access to and understanding of the Phenomenon's voice. If the obstruction drops into the background, then access to the Phenomenon's living meaning becomes increasingly clear. This is the wonder of the reduction or leading back to the Phenomenon. This bridging of the gap between the heuristic and the lifeworld reveals wonder's resiliant ability to shatter the attitude of taken-for-grantedness, to flow and disturb, and ultimately create the bond between understanding educator lifeworlds heuristically and pathically.
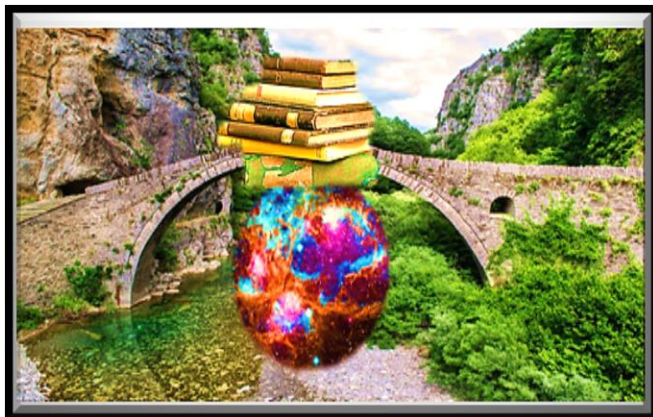
Thus, as we begin this Adventure Into Pathic Understanding, I invite you to join in a different way of knowing the lifeworld of transitioning to online teaching.—It is a

knowing about pedagogical practice that moves away from the rigidity of calculative rationality and theoretical thinking. "Whereas theory 'thinks' the world, practice 'grasps' the world—it grasps the world pathically (p. 20).

The Phenomenon will speak emphatically through the professors' revelations of existentially felt experiences in online body, time, space, relationships, and materiality/technology.   Concomitantly, the power of the epoché and the reduction will be tested.

> ## "Understanding is always an adventure and like every adventure, it is dangerous."
>
> — Gadamer (1981, p. 109).

The adventure beckons: The quest to understand the professors' lifeworlds in the aggregate and in the minutia, and how, at once, the meanings, fully-entertwined, can dance. This quest is dangerous because it interrupts if not supersedes the status quo maintained by centuries of customary, discursive critique of legal educators' traditional pedagogical stance. Conversation and color imagery erupt so that the law professorial "life (can) be felt as a whole, in its breadth and in its strength (venturing) out into the uncertain" (Gadamer, 1981, pp. 109-110).

My research eschews convention and preconceptions in effort to envelope W, S, L, myself, and you, my reader, in existential experience. At the outset, the first data collected from the professors, (color images selected by W, S, and L), freed their sense of wonder, openness and concreteness about their online lifeworlds (van Manen, 2014).

Professors at Play. My ultimate research goal, stripped as much as possible of my personal prejudices (distractions), is to provide space for the professors' vocative expression of existentially felt experience without risk of hyper-critical or conventional machinations. So, I invited W, S, and L to playfully explore pixabay's over 660,000 color images to find one image for each of the five existential life-themes that depict personally felt experiences during transition through the online teaching process. As discussed in Chapter 4, before our conversational interviews I emailed a chart to each of the professors overviewing the "playing field". For reference, it is reprinted here:

Five Existential Lifeworld Themes	Exploratory Questions
1. Corporeality—Lived Body	How do you bodily feel?
2. Spatiality—Lived Space	How do you experience your internal, personal space? How do you experience external spaces (including computerized virtual spaces)?
3. Temporality—Lived Time	How do you subjectively experience time?
4. Relationality—Lived Self-Other	How are your students and you connected? How is your online contact experienced differently than real-life contact?
5. Materiality—Lived Things (Includes Technology)	How do you experience things (including technology)? How does your experience of things (including technology) contribute to meaning? How do you recognize yourself in the things (including technology) present in your transitioning world?

Concepts adapted from: Max van Manen (2014). *Phenomenology of Practice: Meaning-Giving Methods in Phenomenological Research and Writing* (pp. 302-310). Walnut Creek, CA: Left Coast Press.

"The real subject of the game is not the players, but the game itself" (Gadamer, 1960/2006, p. 106). Gadamer's idea of play as a social act of dialogue is akin to the notion of spontaneous free play where the primary goal is not educational, nor guided, nor purposeful. Instead, the players control the play in order to "explore...in ways that are often unacceptable outside of the play context...(and) at the edges of their own possibility" (Hewes, 2014). Dialogue as play is not a spectator sport (Gadamer, 1960/2006).   As a prelude to joining the conversation and to encounter how it personally feels to teach online, I invite you to explore **pixabay** for yourself.— Pick out five images guided by the chart above and play along with the professors and me as the existential adventure unfolds in this Chapter and Chapter 6.

The schematic below categorizes the aggregate of the professors' 15 selected images without attributing any image to any particular professor:
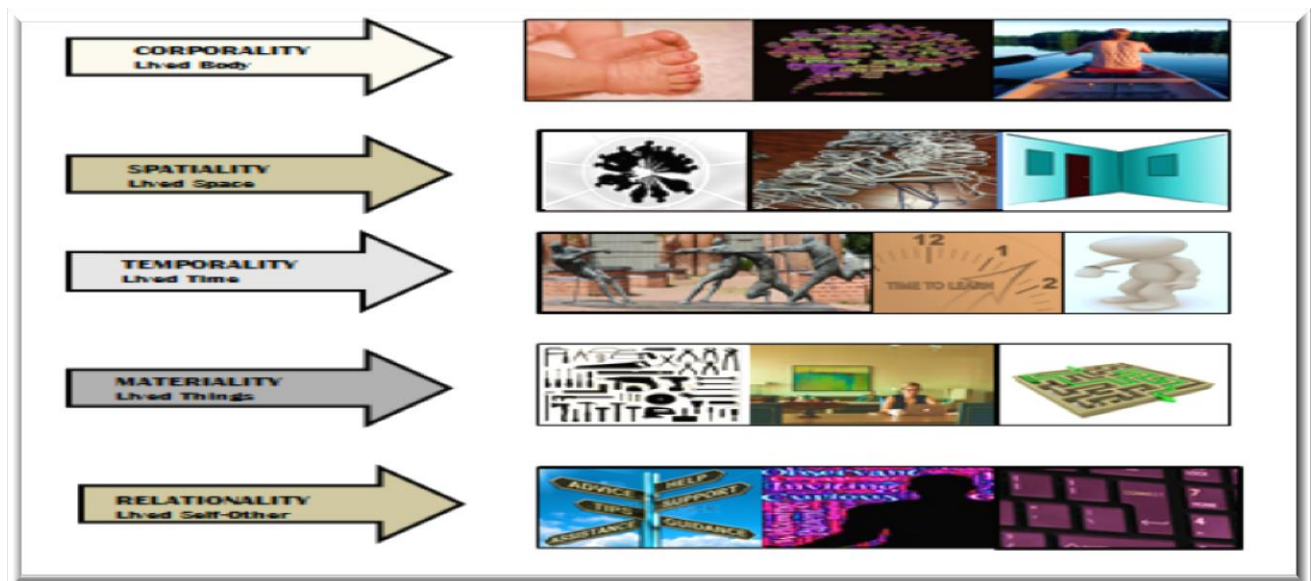
The professors' candidly frank expressions open a rare window into their professional lifeworlds— unabashed, unmasked and without intellectual pretention.

As I write phenomenologically about them, I find myself within a space where I admit "I am no longer quite myself". To experience the "sense of erasure of the self" means to dwell "in the textorium: the virtual space that the words open up...[G]aze has been drawn by the gaze of something that stares back at us (van Manen, 2014, pp. 358 & 360).
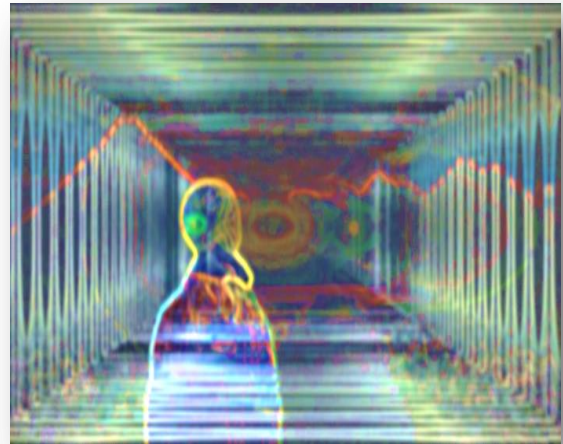
Gadamer both joyfully and seriously identifies the essense of wondering about text and Others as outside of self presence:

[B]eing present has the character of being outside oneself...[B]eing outside oneself is the positive possibility of being wholly with something else. This kind of being present is self-forgetfulness... (Gadamer, 1960/2006, p. 122)

Risk-taking as wonder-jumping into the Circle of Understanding. The experience of the adventure "is itself within the whole of life (and) the whole of life is present in it too" (p. 60). In order for the Self to hear and understand the voice of the Other, each conversant on either side of the dialogue must take risks to realize inner Self's dialogue with the text, outer Self's dialogue with the Other (the living conversant and/or the text of conversation) in order to achieve transformational horizons.

When the iconicity of speech is at its combined apex of intensity, polyphonicity and prosodicity, the utterance of the felt experience can burst forth into prose or poetry that in wondrous ways may provoke intense arousal (whether sympathetic,empathetic or rejectional) in the hearer (Downes, 1999). When I listened to W, S, and L in our one-

on-one conversations, I was astonished to hear the unmistakable cadence of poetic voice rising out of their spoken words in conjunction with their choices of pixabay images.

Professor L's pixabay image of a corner of a room and reflections about the existential theme of spatiality exemplify the outpourings. The reflections span the time and space from bodily felt experiences in Professor L's early life converging into later bodily felt cyberspace teaching experiences metaphorically described as occurring "in a corner of a room".   I have added a title to L's poetic speech and repeated L's phrase "a corner of a room" for emphasis. While retaining L's words verbatim, the chronology in L's original description is minimally altered for lucidity. The one word "in" is parenthetically added for clarity.

ONLINE SPACE

I'm not thinking about
The grand prairies
The grand universe—
I'm thinking about…Being.

First job, confined space
A tiny concrete-block office
Out behind the plant…
A corner of a room.

Cyberspace, it's all over,
Students all over;
Yet, when they call
Into this little course,
They kind of crawl
Inside the computer—
Me Too
(In) a corner of a room.

--L

The "enigmatic nature of ordinary reality" may evocatively burst forth from the familiar to turn "profoundly unfamiliar, when our gaze has been drawn by the gaze of something that stares back at us" (van Manen, 2014, p. 360). W, S, and L's conversations with me dare to convey openness despite potential for self-exposure. "[T]o expose oneself and to risk oneself..risks our prejudices" (Gadamer, 1989, p. 26). Professor L's observations about "a corner of a room" provide a foretaste of all of the professors' open expressions of paradoxically oscillating and isolating space that shatter the ordinariness of bodily repose within the reality of time.

Throughout this Chapter and Chapter 6, I identify further verbatim excerpts from my conversations with W, S, and L, employing the following formatting:

Text Format	Meaning
Text *italicized* with identifying initials W, S, or L	Professors' verbatim quotes
Text *italicized* with identifying initial C	My verbatim quotes
Images identified with initials W, S, or L	Professors' images from pixabay
Images identified with the initial C	My images from pixabay

One element is not categorized in the formatting: Laughter. In the transcripts of my one-on-one talks with the professors, I note "mutual laughter", "laughing" or "chuckling" a total of 48 times (15 times in W's transcript, 17 times in S's transcript, and

16 times in L's transcript). While it is beyond the scope of this study to explicitly describe and interpret these laughter moments, they attest to rare incantation of Self and Other engaged in space and time "where reality loses its insistence for a moment and becomes...play…(that) says something" (Gadamer, 1986, p. 13). What the professors have to say blends sense of humor and sense of pathos. Their enigmatic voices speak of sensations wavering, converging and colliding within time and space.

Strangeness, Movement & Static Repose: Body, Space, and Time Converge

The professors feel time slipping backward, away, out of sight, and sometimes exploding into the future to pre-empt office space during course preparation and online space during active teaching.

Professor W caught in chaos and repose.   Recalling syllabus preparation for a course W had never taught online before, W describes eruptive feelings. The

strangeness felt while designing new pedagogy moves through W's bodily thinking and

invades W's tangible office space, a place of static repose:

CHAOS

Order in the midst of chaos
Come into my office and …look
Chaotic but organized…
It covers way too much stuff;
Lots of …ideas.

I have way too many things going on.
"How am I going to do this?"
More ideas…than I (can) accomplish.
Lived space…internal spaces
My big problem in life--
I have too many ideas
Order in the midst of chaos.

--W

W's choice of the pixabay image of hangers strewn on a floor and W's

conversation attest to felt tension between mental calm and chaotic frustration.

Movement within time and space may become difficult when familiarity and strangeness jostle for position. "Hermeneutic work is based on a polarity of familiarity and strangeness…the language in which the text addresses us, the story that it tells us. Here too there is a tension" (Gadamer, 1960/2006, p. 295). In search of understanding online teaching, W's poetic speech in "Chaos" is tension-filled, alternately describing cluttered ideas, comfortable office space and the overarching dilemma of how to convey the law to students online. Thus, "[t]he movement of understanding is constantly from the whole, the part and back to the whole" (Gadamer, 1960/2006, p. 291).

The online learning process perpetuates a strange vacillation among ephemerality, permanence, familiarity and opaqueness.   During the process, understanding can become a moving target and it can suffer. When that happens, strangeness may intrude. Throughout my doctoral program, every time I have taken an online test, filed an assignment, or sent an email to a professor, I have experienced a recurring fear that maybe somewhere along the internet pathways my effort never completed its journey, doomed to electromagnetic clutter forever bouncing in cyberspace. When there is no response, the question lingers: "Did the delivery fail?" Professor L confronts this communication dilemma while discussing the felt strangeness of 24/7 time.

Professor L, strangeness, and 24/7 time. Describing how to manage feedback time, Professor L identifies movement felt as online time, offline time, at-home time and office time:

> *L: It's common for me to jump (online) and jump off… The computer at home, the computer here. It's not a real time thing.*

L acknowledges the felt strangeness of online time when feedback time's relational and motivational components falter. L describes the static void students experience when there is no answer:

> **L. *One of the biggest complaints: "I emailed 3 days ago…***
> ***I didn't hear a word".***

Compelled to put an end to the void and stasis that occurs between the time a student sends an email and receives an answer, L's language conveys urgency:

> **L: *So I'm always…checking my email. I'm checking every three or four***
> ***hours.***

Finally, L's speech returns to a quiet albeit self-admonishing repose, acknowledging the lingering strangeness and void felt in the event an answer never arrives:

> **L. *You expect (students) to respond to you.***
> ***You should respond to them,***
> ***It is disrespectful to not respond.***

Yet, when the time for instructor feedback piles up, a law professor may feel estranged and lonely within online collaborative space. Professor S gives voice to the felt isolation.

Professor S: Ambushed by online space. Professor S describes online estrangement in terms of competing dualities: simultaneously feeling physically confined away from students while surrounded by the press of student demands.   At the apex of the competition, tension-filled, alienating space ensnares Professor S:

ENCLOSURE

Sometimes I feel totally surrounded
Teaching these online classes
Demands...knowledge.. ideas...
Like caving in, surrounded
It's just kind of everywhere.
My space is being invaded
Crowded in by students
Moving in different directions.

Sometimes I feel very alone
Teaching these online classes
Silhouettes, separate and together–
Not looking to the center;
Not physically there
Students. All. Everywhere.
                                        –S

These vignettes from W, S, and L's narratives illustrate how online time and online space can invade personal time and offline space waxing an unrelenting drag upon both physical and mental bodily sensation. Ensuing tension unpredictably oscillates through and around feelings of strangeness, movement and static repose. Strangeness harbors bodily aloneness as space and time invade. Confinement within space and time invade bodily repose. Chaos manifests when disruptive thoughts of disarray seek a liberating sense of order. Whether oscillating, strange, familiar, or alienating, the professors experience online time and online space as both conjunctive and disjunctive flow.

The Digitial Dichotomy of Space—Time Convergence

Teaching law online enables professors and students 24-hour time-present consciousness through the constant accessibility of online course materials and syllibi, professor/student feedback through e-mail, texting, and posting in online discussion forums and drop-boxes. As a result, the professors experience an existential dilemma triggered by lack of clear-cut epochs of pedagogic and personal time and a dearth of repose at discernable stopping places.

In contrast, in-classroom legal education dominated by Wythe, Langdell, and Turner pedagogies, has engendered an "awareness of epochs, of one's own epoch…a stopping place in the constant flow of time" (Gadamer, 1977/1986, p. 43) through distinct blocks of instructional/learning time interspersed with personal time: face-to-face Socratic caselaw dialogue, instructor preparation of lectures, student case briefing practice, research and writing, and for some, training in appellate court practices, legal clinic practices or paralegal skills. These classroom modalities benchmark consciousness of time in consciousness of space. On the other hand, dual motivations and machinations inherent in online legal instruction presage time consciousness swallowed by cyberspace.

The consciousness of time in cyberspace. 21st Century cyber-media (the internet and mobile devices) reshape higher education's spatial and temporal boundaries. Instantaneous computer clicks create, send, receive, and store informational and social media that may within seconds travel over millions of miles. Print media creates imaginative space, television creates perceptual space, but the internet creates online connected mental space. Computer information space creates

content.   Cyberspace is aesthetic space created by the computer networking of human interaction within instantaneous time (Kweon, Hwang, & Jo, 2011).

2000 years ago, a person annually traveled approximately 500 kilometers, (approximately 311 miles) (Tranos & Nijkamp, 2013). In the pre-electronic age, messages were delivered only as fast as a person, train, or ship could move. The first significant inroads into physical limitations flowed from early electronic media (telegraph, telephone, and radio). When television and telecommunications arrived, geographical boundaries still constrained media delivery. In the period before broadcasting, "users were inherent in the media content…with time and space…still tied together" (p. 25).

Online law professors experience the aftermath of a dramatic shift away from the pre-electronic era's time/space continuity. Digital media fractures time and space away from "when/where" connections inherently perceived in natural environments. As an integral component of cyberspace, online education bombards the spatio/temporal aspects of life via "the collapse of time and space, uncoupling of time and space, and transformation of time and space" (Kweon, Hwang, & Jo, 2011, p. 29). The advent of cyberspace's virtual connectivity increases awareness that the two space domains, "cyber" and "physical" have morphed into complex cyber-place (CP) "being the intermediate layer (where)…virtual geography…(projects)..the infrastructural layer of cyberspace on traditional space" (Tranos & Nijkamp, 2013, p. 1).

Gadamer urges hermeneutic analysis of lifeworld experience through the lens of time-consciousness that moves through historic epochal space (Vessey, 2007) and "[i]n its temporal structure such time is empty and needs to be filled" (Gadamer, 1977/1986,

p. 41). Within this epochal space, dialogical play between Self and Others moves back and forth "through time...(and) horizons shift and even find new spaces of overlap..." (Vilhauer, 2010, p. 86). Eschewing the real-time/real-space educational environments developed by Wythe, Langdell, and Turner, the advent of cyber-place obliterates natural epochal space and unnaturally poses a corrosive disruption upon time consciousness.

Within the stories W, S, and L tell, the mechanics of online learning usurp, to a dramatic extent, personal control over when, why, and how both professional and personal "empty" time is filled. W, S, and L speak of existential entanglement within cyber-place beset by ever-present, unstoppable 24-hour time converging into online space. The persistent intertwining subordinates meaning and obscures horizons of understanding. Resultant perpetual tension is felt both toward and with their students.

Professor S speaks of this cyber-place tension as a combative, ceaseless oscillation in present time:

> **S: *(Time) keeps going back and forth and back and forth…A tug of war. I don't ever see anyone winning this. I don't ever see one side collapsing.***

> **C: *Now is that tug of war…a metaphor for how the online teaching time impinges on your actual home life time?***

> **S: *Absolutely…personal life, teaching life, back and forth and back and forth and personal relationships, student questions...***

Professor W suggests waste-of-time as a result of passage of time that is inevitably stretched and tarnished by the nature of asynchronous online learning:

> **C: [*W*]hen you have (students) do their posts, (do) you…jump in…mid-stream, if they were on the wrong track?**

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W: *No. Because it's asynchronous. I give them all deadlines…and then I come in.*

C: *So you come in after everything is posted?*

W: *After everything has been done. [B]y the time…they have all done their posts…the problem is in the past for them. They did their analysis a week ago. Sometimes it felt like…if I'd been able to talk...in class, we would have this done in thirty seconds….[N]ow I have to type an answer. I have to explain and it's going to take awhile, and I'm not ever going to be sure if they actually understood it.*

Professor L speaks of personal strain caused by time expended in lengthy pre-preparation of online course content. In contrast, L describes exhilaration felt while swiftly preparing for conventional classroom instruction:

C: *Do you feel time differently when you teach in the classroom or prepare for classroom courses than you do when you are teaching online?*

L: *I do from my standpoint. In the sense that online I just pretty well lay it all out at the beginning of the semester….[T]eaching in the classroom…before I go to class every day, I'm looking at my notes, refreshing my memory…I'm doing a lot of lecturing…somewhat Socratic Method.*

The sheer brevity of the existence of online legal instruction registers as no more than a blip in aeonian time. But for W, S, and L, online instruction's newness fails to ameliorate its formidibility. For each of the professors, the phenomenon of transitioning from classroom to online teaching evokes introspective questioning about who they have really become in the online lifeworld. Illustrated below, S struggles with mental overload sufficiently agitating for S to conclude, "I feel my brain on constant overdrive":

I feel my brain
On constant overdrive;
Managing.

A definite pull...

So many
Different directions
Than when I was only
Teaching face to face.

A definite pull...It tugs

Students' questions
Always some part of my brain
Do I answer in an email?
Respond in the discussion forum?
Post a news announcement?

A definite pull
It tugs on my brain.

--S
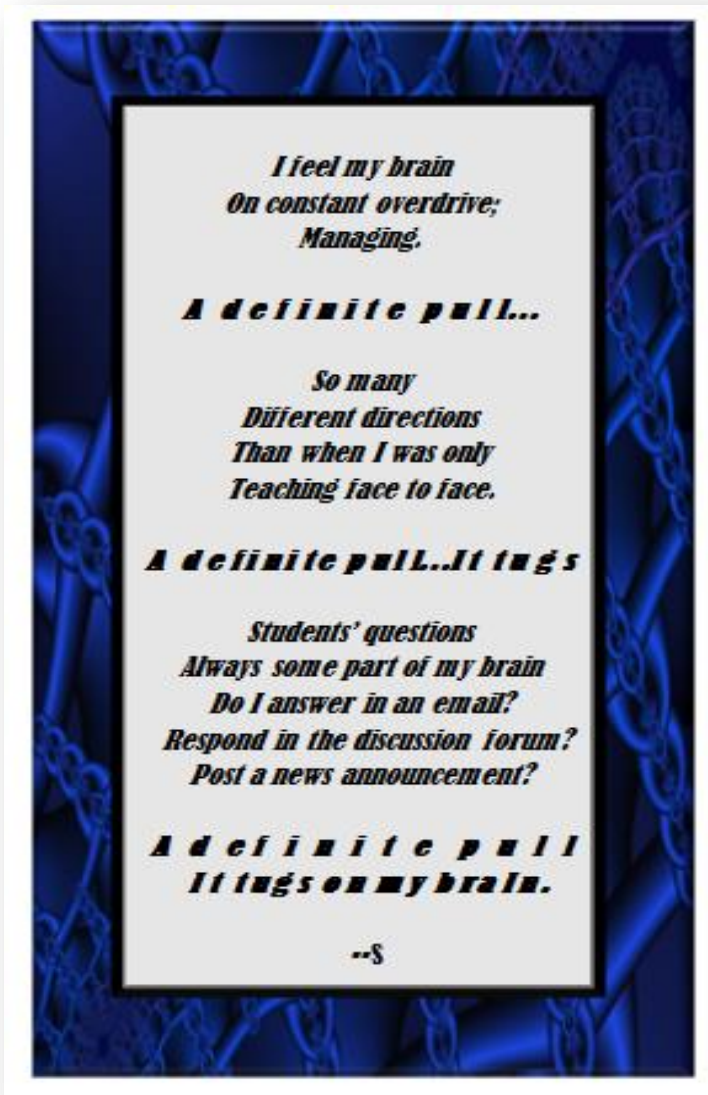
For W, S, and L, cyberspace-time does not easily, proactively or positively converge in cyber-place. Instead, cyberspace-time devours geographic pedagogical space and personal time to the point of triggering a consumingly invasive hold on bodily space. Decades ago, Heidegger warned about both embracing and repelling technological invasion:

The approaching tide of technological revolution….could so captivate, bewitch and dazzle, and beguile man that calculative thinking may someday come to be accepted and practiced as the only way of thinking….We can affirm the unavoidable use of technical devices, and also deny them the right to dominate us, and so warp, confuse and lay waste our nature. (Heidegger, as quoted in Dreyfus & Spinosa, 2006, pp. 268 and 270)

Cyberspace-time: Captivator and encapsulator. Heidegger's warnings foreshadow the oscillating patterns of felt strangeness, movement and static repose the professors experience in cyberspace. But what are the pecularities of cyberspace-time that wield sufficient power to disrupt the professors' quest for an online pedagogical experience that equally fulfills their sense of personal and professional achievement enjoyed during conventional classroom teaching? Through its ability to constrain human behavior patterns and interactions, cyberspace simulates physical space "strongly suggesting kinesthetic sensations" (Mihalache, 2002, p. 295). Through web design, web navigation, and web communication, body and mind are captured through "sensations…aggregated in experiences that involve time, as well as space" (p. 295).

For example, a chat room experience involves real time and sense of proximity. Writing, sending e-mails, and reading e-mails involve composition in real time which provides the sense of movement through space. Also, "[m]ost (web) pages…are the spatial incorporation of duration…of time compressed" (p. 295). "[C]yberspace is…not a purely spatial entity but it also involves time, albeit not in the sense of Einstein's special relativity theory (but rather)...takes advantage of the qualitative notion of 'place'" (p. 295).

Moreover, there is an undercurrent in the cyberspace/cybertime research literature positing the notion that bodily staticicity and bodily action serve as qualitative guages for defining space. University of Heidelberg philosophy professor, Thomas Arnold (2013) describes bodily impressions of the cyberspace-time continuum:

E]very visual impression presents something under certain circumstances. The circumstances of perception are our own bodily impressions of position and

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movement, which motivate our perceptions. [S]patiality is disclosed essentially by the activity of bodily movement - either actual or possible, where our body plays the role of an organ in the strictest sense, i.e. a means of spatial perception. (pp. 93-94).

Becoming and not becoming cyberspace. When we existentially experience lived space, (spatiality), "we may say we become the space we are in" (van Manen, 1990, p. 102). W, S, and L each profess that teaching law online is a 24/7 undertaking during which each experiences a consistently felt convergence of virtual online space, physically occupied space, and lived body. Yet, S and L go further. They perceive online teaching space as a place where the Self enters and dwells within the computer:

> **L: *(Students) are kind of crawling inside the computer into this very confined space.***
>
> **C: *Do you feel like you're crawling into the computer?***
>
> **L: *Yeah, me too.***
>
> **S: *I find there to be a challenge in online teaching: To get (a) coming together experience…in the computer.***
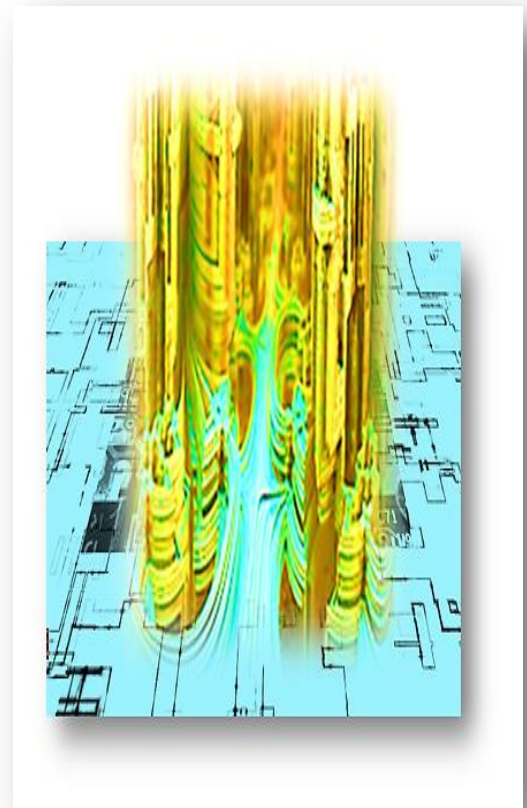
In contrast, W contemplates all lived space while bodily and mentally removed from the virtuality of computer space.   At the same time, acknowledging both chaos and order in the material things occupying physical office space, W pragmatically marshals internal lived space in order to design and teach an online course. Within this dichotomous quest for coherence, W expresses feeling the chaos of all lived space:

W: *It's order in the midst of chaos…That's how I experience my internal spaces…or any lived space…[I]f you were to come into my office…it's not as pristine as most of my colleagues and it covers way too much stuff. I have way too many things going on…Too many ideas.*

What I had to do to teach the (online) course was pick some of those ideas and organize them into a coherent unit…

S and L seek to existentially understand online teaching experience from the metaphoric vantage point of horizonal gaze from within the circle of computer space. Both S and L's characterizations of felt online space comport with Gadamer's hermeneutic circular path toward horizons of understanding introduced in Chapter 3 above (Gadamer, 1960/2006). In contrast, W describes the pathos of pedagogic lived space from a horizonal vantage point outside the enveloping circle of computer space. These opposing viewpoints contrast a lifeworld spherical perspective (S and L's lens) and a lifeworld global perspective (W's lens).

Spherical perspective and global perspective: An historical contrast. British anthropologist Tim Ingold's (1995) spherical perspective and global perspective theories

cast light upon the mechanisms and degrees to which humans penetrate, occupy and understand spherical lifeworld space. Ingold contrasts the modern concrete global perspective with the more ethereal spherical perspective of medieval Europe. He analyzes the paradoxical nature of perspective, intuition and knowledge experienced from within a lifeworld sphere in contrast to the externally isolational viewpoint garnered from a perch upon a lifeworld surface:

> H]ow can humans, or for that matter beings of any other kind, possibly be surrounded by a globe? Would it not be fairer to say that it is we who have surrounded it…[W]hat may be called the global outlook may tell us something important about the modern conception of the environment as a world which, far from being the ambience of our dwelling is turned in upon itself, so that we who once stood at its centre become first circumferential and are finally expelled from it altogether…I am suggesting that the notion of the global environment, far from marking humanity's reintegration into the world signals the culmination of a process of separation. (p. 31)

> [W]ith the world imaged as a globe, far from coming into being in and through a life process, it figures as an entity that is, as it were, presented to or confronted by life. The global environment is not a lifeworld, it is a world apart from life…something of the difference in connotation between 'globe' and 'sphere' is suggested in their very acoustic resonance: globe is hard and consonantal; 'sphere' soft and vocalic. A globe is solid and opaque, a sphere hollow and transparent. (p. 32)

When occupying an external position outside the lifeworld trying to look in, perception is metaphorically impeded by the struggle to penetrate hard crust. Occupying a place from within the lifeworld opens perception to see both around and through the inner workings of the world and arguably makes its outer crust transparent. Ingold notes, "The global view, we might say is centripetal, the spherical view centrifugal" (Ingold, p. 33).

Seeing the lifeworld from an inner vantage point has its origins in how early astronomers positioned humanity at the cosmic apex of a universe comprised of a series of outwardly radiating transparent concentric spheres (Ingold, 1995). Figure 5 depicts 16th century Maffei's fourteen concentric spheres of the world. Ascending, step by step into each successive sphere was believed to net an increasingly more clear comprehension of the universe (Adams, 1938).

Fig. 6. The fourteen spheres of the world, as drawn by Giovanni Camillo Maffei of Solofra in his *Scala Naturale* (Venice, 1564). Giovanni's patron, the Count of Altavilla, is shown beginning his ascent through the spheres.

However, bodily comprehension of the cosmos through visual perception alone was insufficient. The early astronomers not only looked outward from their position at the cosmic apex, but also listened. The transparent spheres were invisible but auditorily accessible, making "a harmonious sound that could be registered by the sufficiently

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sensitive ear" (Ingold, 1995, p. 34).   At the same time, "[v]isual perception depending

as it does on the reflection of light from the outer surface of things, implies both the

opacity and inertia of what is seen and the externality of the perceiver" (Ingold, 1995, p.

33).   So cosmic comprehension at its deepest level depended upon bodily movement

through the concentric spheres with an eye fixed upon both the lifeworld's inner

transparency and outer opacity and an ear attuned all the while to the path-finding

music emanating from the lifeworld's outward-bound concentricity.

I…constantly feel like time is a tug of war.
personal life, teaching life
Time spent on this thing is taking away
From time spent over here.
Back and forth
and back and forth
Personal relationships, student questions
Teaching…online, courses…laid out
Just there to answer questions…
hours grading…papers
"I've got to cut this off,
Investing way more hours,
I…constantly feel like time is a tug of war.

--S

All my efforts seem…in vain
all this feedback
students just wouldn't even read it
not…paying attention;
"I'm not even getting paid minimum wage.
I'm sacrificing my own life…wondering
"Is it doing any good?
"Could I do more?
Could I bring more?
Could I create more?"
Drawn to teaching
'cause it's never over.
I…constantly feel like time is a tug of war.

--S

Professors S: Bodily attentiveness and agitation. As depicted above and

reminiscent of gaze and movement outward from the core of Maffei's concentrically

spherical cosmos, Professor S exhibits a bodily attentiveness to the multiplicity of

online teaching from a viewpoint embedded within computer space. However, it is an

agitated attentiveness. S describes feeling dragged by time from within computer cyberspace to the outer, global world of personal life and then rudely propelled back again to the online lifeworld's core, a perpetual conflagration that disrupts the sensory attunement to instructor/student interactions. Consequently, Professor S's perceptive acuity suffers overload when conflicts in time catapult bodily experience back and forth between online lifeworld in-dwelling and offline personal life outside computer space. Unlike Professor S, Professor W espouses a global view of the online teaching lifeworld from primarily an external perspective.

Professor W's global perspective. To know the online lifeword in the global sense " is a matter not of sensory attunement but of cognitive reconstruction" (p. 37). After I remark that W's amorphous pixabay image wears a watch, W emphasizes the image selected is not about a bodily "thing" but rather time's control of occupying online space:

C: *It's a thing with a watch—*
W: *It isn't the thing.*
It's the body language...

'Going to be teaching online,
Control the time I devote—
Get some other things done.
That wasn't the case at all
Didn't save any time at all.

Second time through—
Didn't have to record the lectures
Second time through;

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Time editing, tracking things, adding

Much more time consuming

Than classroom teaching.

As a person,

The things I do

Outside…my job
I continued to do.

It isn't just teaching
Less time for…anything else
When I was teaching online.

Thing who never feels
There's enough time.

--W

Professor L balances real time and online time. Through the image of an amorphous being with a watch, Professor W describes the conflict between time saved in experiential classroom space and time lost in asynchronous cyberspace. In contrast, Professor L copes with 24/7 online teaching demands through a felt repose in the midst of unsettled time beset with online demands:

L: *I think time to me is probably the most important…*

C: *Some people teaching online feel like they…have to make themselves available 24-7. Do you feel that in your online teaching?*

L: *I don't exactly. Well, somewhat I do.*

C: *How does that feel?*

L: *It doesn't bother me in that I have…the computer at home. I have the computer here, and it's not a real time thing.*

Like Ingold's vision from within spherical space, L's felt lifeword space exhibits properties of both transparency and depth: "[T]ransparency, because one can see into it; depth because the more one looks the further one sees" (p. 37). Complimentary to L's speech about transparency and depth, S's observations ring true to Gadamer's notions of bodily felt strangeness, static repose, and movement:

Sometimes I feel

Very alone

Not physically there

Silhouettes

separate together

Not looking

Students   All   Everywhere

--S

Meanwhile, W struggles to see into, through, and around the opacity of the online teaching lifeworld.   S and L have each taught many more years online than W.   They characterize online teaching as in-dwelling virtual space. Repeated explorations of online space reveal its "interiorities and exteriorities, "how…we shape space and how space shape(s) us…how…we enter, dwell, and exit virtual spaces..or the

computer screen… (or) the dimensions of cyberspace" (van Manen, 2014, p. 305).

Despite varying years of online teaching experience, W, S, and L tell of

how frustratingly conflicted "becoming space" (Professor S and Professor L) and

transitorily "occupying space" (Professor W) can be.

Existential and metaphysical constraints in online teaching. Existential and

metaphysical agitation can obscure perceptual gaze focused from within the online

teaching lifeworld outward and dim the view focused from primarily a classroom

teaching experience inward. When that occurs, pedagogical purpose may suffer

paradoxical strangeness, myopic opacity and fleeting transparency. Woven through the

threads of my conversations with W, S, and L, time and space cloaked as illusive

thieves converge both furtive and aggressive. As a result, for all of the professors, the

online teaching experience causes deeply felt, over-arching constraints upon

corporality, (body) spatiality, (space) and temporality (time).

W expresses body/space constraint. W feels restricted and alienated online

(body/space constraint). In one-on-one conversation with me, W equates asynchronous

online instruction with feeling like floating in isolation. I respond with the image of a

singing bowl fused upon an old typewriter. Hinting at my prejudice for synchronous

online collaboration, I share thoughts about how online teaching might be transformed.

The resulting conversation reveals two poetic voices simultaneously calling out the felt

duality of body metaphorically occupying online space:

You're out there all alone online
That's how you feel
Like you're out there all alone.

It's possible for people
To misunderstand;
I can't see their reaction
Like talking on the telephone.

I like the classroom
I can see my students,
What they're thinking,
The personality that comes
From ideas.

How you feel online?
Like you're out there all alone.

--W

Like a singing bowl
That continues
Trying to go online;

You have to practice forever
To get it
just right
To get this beautiful overtone.

You're starting out like
Just an old typewriter
You're trying hard
To make it--
Don't know where you're going.

You have to practice forever
To get this beautiful overtone.

--C

L expresses body/space and body/time constraints. L is unnerved by realizing that professorial age (body encumbered by time) may exhibit stark contrast with students' youth. L is also somewhat overcome by a self-perceived novice level of technology expertise that L describes as cyber-infancy (body inhibited by online space):

L: *Sometimes I feel like I'm teaching babies. Maybe more so online. They've had a life of very little responsibility. To accept responsibility and get things done on time, that…reminds me of children sometimes…like they're 12 years old...*

I wonder, "Where was I and how old was I when they were born?" I guess it was President Clinton …in office when they were born. Now they're young adults. It's kind of hard for me to fathom sometimes.

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C: *Does that make you think of...the idea of online being in its infancy?*

L: *No, it reminds me of me, being in my infancy...When I started teaching online...That's where the baby feet came from.*

When I see the word "life",
I always think of the beginning of life.

I told my students, "I've been licensed to practice law before a lot of your parents were born."
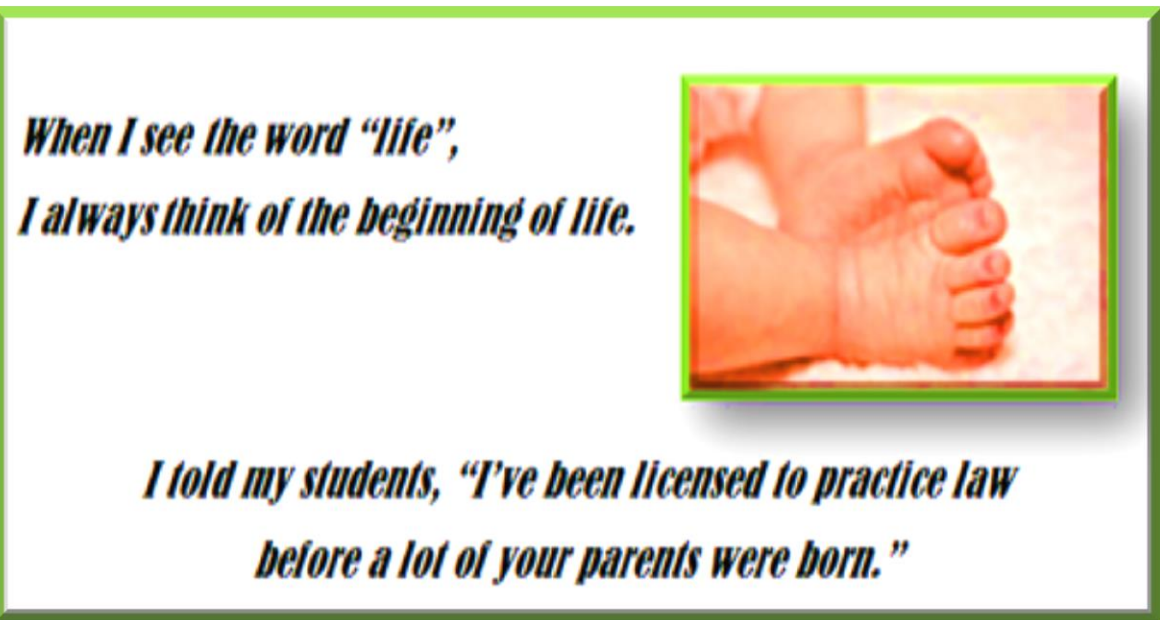
C: *That first time you taught online? Tell me about how that really felt? Were you...lost?*

L: *I was terrified! Understand that I'm old school. I was 50 years old before I ever touched a keyboard or saw a computer screen...I'd go to training sessions. I'd sit there, "Yeah, yeah, that makes sense." But by the time I walked back to my office, I'd forgotten everything that had been said. So there was a lot of trial and error...*

   S expresses body/time/space constraints. S vacillates between feeling the need to contemplate how to balance time expended to benefit online students and contemplate the need to experience personal relaxation (body/time/space constraint):

S: *I'm not just answering their academic questions. I'm also looking to build skills in the workplace, and…life skills. [T]he online environment— That can be a little harder to do 'cause you don't interact with people in person. You can't read body language.*

C: *I noticed…the words "stop"... "stop doing", "stop striving", "stop believing"…*

S: *Stop to be open to what the students have to say. A lot of it is also either telling my students or wanting to tell my students—That inner monologue…and sometimes dialogue. [T]he clutter in the brain. Stop doing jumps out at me….I feel like I have to tell myself to stop working constantly. I'm constantly teaching whether it's in my head or on my phone responding to an email or logging into my computer.*

W interprets distorted time constraints. I showed W an image I found on pixabay that I interpreted as depicting time imploding. W takes the image further by poetically describing the felt experience of online interactions that distort the pedagogical effort necessary to enable students to think beyond superficial legal analysis:

TWISTED

Oh, oh, a kind of...distortion of time
Kind of similar to mine—
Time to do certain tasks...
Distorted time it takes online
To teach the individual...
   … the whole class.

They grab...buzz words
They throw up...buzz words
They are analyzing an issue
Way too superficially;
They don't see…
Misapplying...Applying...Superficially;

In the classroom...
The lightbulb goes off...
(A) student might jump in
Then the whole class sees:
"Oh yeah, we were looking...
Too superficially."
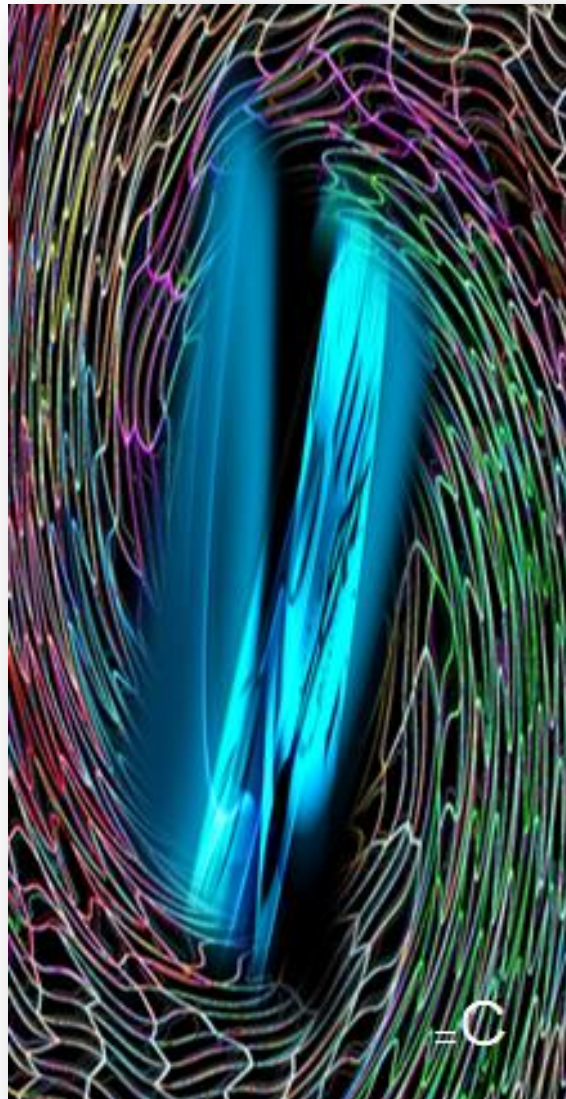
Online...one student at a time...

Takes me much longer to explain

Why...(an) analysis is too superficial—

Much more time consuming.

Time: There isn't enough of it.

That's how I live

A kind of...distortion of time.

--W

Professor S and Professor W feel provoked by juggled time and superficially distorted time. Meanwhile, online posting deadlines invade Professor L's felt time:

DEADLINE

My students,
Do their assignments on time
They get them in on time.—
Deadline...12 midnight
Deadline Friday night
Between 11:30 and 12:00,
It's clogged up—

"You shouldn't make assignments
Due on Friday night."
A student file(d) a complaint.
She didn't really explain
"Well, what about Thursday night
Or Wednesday night? I responded.
'Could have done them then?"
I didn't get any reply.

--L

The compendium below illustrates that whether from the more global perspective Professor W takes looking into the computer from within the four walls of an office or from the spherical perspectives Professors S and L take metaphorically from inside the computer, all of the professors' existential experiences of online body, space, and time manifest in similar outpourings:

ONLINE	BODY	SPACE	TIME
PROFESSOR W	"...Out there all alone" "Too many ideas" "Going to (teach) online...get some other things done...(not) the case at all"	"Order in the midst of Chaos: Internal space ...any lived space" "My office...covers way too much stuff"	" Online...didn't save any time..." "Much more time-consuming"
PROFESSOR S	"Alone...sacrificing... own life" "(Students) not physically there" "Brain on constant overdrive" "It tugs on my brain" "Clutter in the brain"	"Totally surrounded" "Caving in" "Space invaded" "Crowded" "Separate and together" "Being together...in the computer"	"Time is a tug of war" "Back and forth: Personal life (time) ...teaching life (time)"
PROFESSOR L	"Being" "Coming together" "Online... first time... terrified!" "Students all over"	"I'm not thinking about...the grand universe" "Confined space" "Crawl inside computer" "Corner(ed)"	"Not a real-time thing" "24/7 (time)" "It's clogged" "Checking...email... every three or four hours"

The Wonder of Adventure Through Existential Understanding

My conversations with W, S, and L and their images gleaned from **pixabay** constitute this study's textual catalyst. As elucidated in Chapter 3, Heidegger and Gadamer's hermeneutic circle of understanding offers the notion of moving toward textual revelation within iterated space (here expressed as existential feeling grasped through conversation and color images). Therefore, a paramount task has been to position W, S, L, myself and ultimately you, my reader, upon the path of this revelatory circle while recognizing placement in proximity depends upon the intuitive and implicative scope of the level of subjectivity and objectivity involved.

Illuminated by previous enlightenments, each iteration of hermeneutic inquiry intuitively gazes forward. This perpetually animates meaning shared between Self and the text or Self and the Other. Yet, that shared meaning is both subjectively and objectively balanced so "the task of interpretation…is not a mysterious communication of souls, but rather a participation..." (Gadamer, 1988, pp. 69-70).

Concentricity and brokenness in the hermeneutic circle.   In Chapter 3, I introduced the image of a sphere manifesting both transparent and opaque circumnavigations as a metaphor for my perplexity about Heidegger and Gadamer's participatory circle of understanding. I questioned how dialogue between Self and text or Self and Other(s) might consistently maintain unbroken circularity.   Just as some of the image's bands appear to be complete revolutions moving toward a spherical horizon and others appear to be dead-ended fragmentary remnants, the
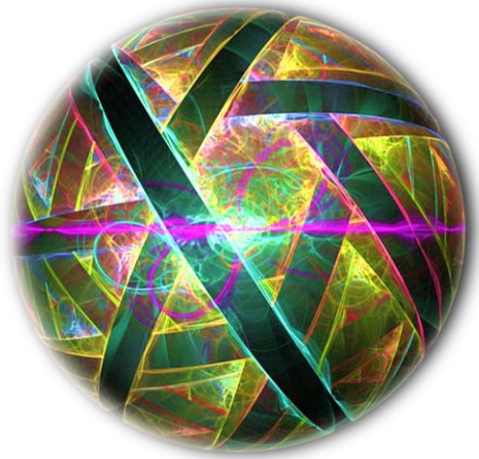
hermeneutic circle of understanding is prone to gaps and weaknesses.

Reading Gadamer (1960/2006) closely, the horizon, forever on the move, can never be completely closed: "Just as the individual is never simply an individual because he is always in understanding with others, so too the closed horizon that is supposed to enclose ...is an abstraction" (p. 303). "The historical movement of human life consists in the fact that it is never absolutely bound to any one standpoint, and hence can never have a truly closed horizon" (p. 303). Excerpts from the professors' conversations with me already presented in this Chapter indicate that each of their horizons of understanding about transitioning to teaching law online is not closed but instead multidimensional, oscillating between staticity and action and subject to brokenness. "The horizon is... something into which we move and that moves with us. Horizons change for a person who is moving" (p. 303). It is the differences in understanding that breach the circle (Gadamer, 1988). "It is enough to say that we understand in a different way, if we understand at all. Such a conception of understanding breaks right through the circle" (Gadamer, 1960/2006, p. 296).

Mending the circle: Self-transformation. Gadamer advocates that breach of the hermeneutic circle can only be bridged by self-transposition: "Into this other situation we must bring, precisely, ourselves (into) someone else's shoes…(to) understand…become aware of the otherness, the indissoluble individuality of the other person" (p. 304). Self-transposition between conversants "does not entail passing into alien worlds unconnected in any way with our own; instead, they together constitute the one great horizon that moves from within (to embrace)…the…depths of our self-consciousness" (p. 303). Yet, self-transposition need not require empathy toward the

Other nor subordination of the Other. Instead, "it always involves rising to a higher universality…to look beyond what is close at hand—not in order to look away from it but to see it better, within a larger whole and in truer proportion" (p. 304).

Self-transposition through textual horizon and pixabay imagery.   In order to approach that larger whole and truer proportion, a primary objective of this study is to engage in conversation with law professors transitioning to online teaching that deeply mines their gaze toward horizons of existential self-awareness. Early in the planning stages, I determined it would be naïve and of limited productivity to launch my conversations with W, S, and L by posing the broad sweeping question: "What does it feel like to teach law online?" It seemed to me that would be akin to asking "What does it feel like to eat ice cream on a hot day?" I reasoned that blanket inquiry might yield general data about the "close at hand" but provide no "look beyond" into the larger whole and truer proportion of the professors' existential lifeworlds.

Limited, albeit open-ended questioning, can devolve the free give and take of friendly conversation into an uncomfortable bout of interrogational cross examination yielding inconsequential platitudes—Like an answer about ice cream: "It feels cold." Or an answer about online teaching: "It feels bad." The questions are too broad-sweeping and ambiguity-laden to explore the flavor, textures, and temperatures of deeply felt experience. I ultimately wanted data that answers the question "How does it **existentially** feel to teach online?" Phenomenologically and hermeneutically, this study's goal is to hear ever-expanding stories of how deeply felt experience propels the professors' online transition rather than to hear static listings of emotional moods.

Targeting phenomenologically felt experience. The simple reporting of emotional moods does not constitute the deep mining of felt expression, even if that reporting is emotion-laden, evaluative or intuitive. Emotions, evaluation, and intuition each expressed individually are "non-thought experiences" (Downes, 1999, p. 102). Emotion is a public display. Whereas, feeling is a private "phenomenological construal of 'qualia' of bodily arousal in consciousness" (p. 102). Thus, phenomenologically felt experience involves not just the expression of <u>emotion</u> but instead the combined 1) conscious construal of the bodily emotion's occurrence; and 2) the conscious <u>evaluation</u> of the bodily emotion on a positive to negative compendium; and 3) through <u>intuition</u> ascertaining the emotion's meaning non-propositionally and through linguistic properties (Id.). Until the semantic and lexical resources of expressed language occur, an "emotion simply would not be felt experience" (p. 108).

To bring Downes' concepts into hermeneutic and phenomenological application in this study, Professor L's poetic disclosure about online space introduced earlier in this Chapter is illustrative. On the next page, I suggest ways of hermeneutically interpreting the three stanzas of L's "Online Space" by applying Downes' felt experience components of emotion, evaluation and intuition to the poetic speech. Downes (1999) explains felt experience manifesting through intuition as "a 'jumping' to an insight" through either hypotheses which "mysteriously 'pop into mind' in the process of thinking about an experience" or manifest as though "being struck by an analogy" (p. 105).

Notably, the poetic speech which spontaneously flowed during my one-on-one conversation with Professor L is filled with leaps of insight, enticing metaphors and unexpectedly striking analogies. In the first stanza, L makes an **<u>intuition</u>** statement

targeting Self, spontaneously describing bodily experience within space as "Being". In the second stanza, L then describes two dual triggers of **emotion** (being isolated and cornered) thrust upon L by working conditions that generate a negative **evaluation** of space ("tiny", "concrete block", "out behind the plant"). Then, in the last stanza, **intuition**, **evaluation**, and **emotion** merge. L voices an **intuitive evaluation** of the felt minutia experienced within an online course despite the vastness of cyberspace. L speaks first through the lens of the Other (students crawl into computer space). Then L turns the viewpoint back at Self (L admits crawling into computer space as well). Finally, the stanza gives way to an **emotion** of arguably relieved comfortableness in answer to the vocative "call" to occupy cyberspace.

ONLINE SPACE

I'm not thinking about
The grand prairies
The grand universe—
I'm thinking about…Being.

First job, confined space
A tiny concrete-block office
Out behind the plant…
A corner of a room.

Cyberspace, it's all over,
Students all over;
Yet, when they call
Into this little course,
They kind of crawl
Inside the computer—
Me Too
(In) a corner of a room.

--L

Intuition

Emotion & Evaluation

Intuition, Evaluation & Emotion

Within "the wide diversity of linguistic devices which express affect…the poetic abstractly satisfies the requirements of intensity, polyphony and iconicity…besides representing the intuitive" (pp. 110 & 113). In keeping with Downes' hypotheses, Professor L's poetic speech occurred within the context of informal conversation with me. Of course, L's observations occurred while contemplating L's selected pixabay image of a corner of a room. L's poetic speech evaluatively correlates bodily experience within occupied space, starting historically with L's job location in a tiny corner of concrete block space and metaphorically jumping forward into a present experience that feels like crawling into a corner of cyberspace.

Thus far in this Chapter, I have provided multiple excerpts from my one-on-one conversations with all three professors. I have singled out L's view of online teaching space to illustrate Downes' hypotheses that "felt" experience cannot actually be "felt" without the simultaneous presence of three factors: emotion, evaluation, and intuition. Offered the freedom to select pixabay images that provide visual stimuli for their emotional, evaluative, and intuitional lens, all of the professors' stories contain concrete, abstract, and iconic imagery that tell of a pedagogical Self existentially occupying real space and online space.

However, at this juncture, caution is the touchstone. If I were to analyze each segment of each of the professors' conversations for the occurrence of Downes' tripartite criteria, the focus would no longer be upon the stories' existential drive but rather upon proving the statistical power of my accumulated thematic data. To border upon quantitative criteria would be antithetical to hermeneutic phenomenological research. Still, lawyers worth their salt always want to prove their client(s)' legal

position about everything, continually in a profession-long quest for the best ways to win an argument.

So, admittedly during the entire preparation of this study, I have intuitively wanted to prove, at least to myself, that the combined use of pixabay images and informal conversation would yield dramatic expository outpourings of existential feeling about online teaching. Before I began the conversations with the professors, I was secretly asking myself: "I wonder if my plan will work?" Similarly, at my dissertation proposal defense, committee members inquiries turned to questions like,   "What if it doesn't work? What if your participants don't say anything meaningful?" "What it they don't say anything at all?" It is one thing at the outset of a study to dream of clever ways to bring the professors to the level of emotional, evaluative, and intuitive felt experience that horizonally opens up a "screen" revealing their online lifeworld and decidedly still another thing to presume to do so in a way far outside the conventional boundaries of legal pedagogical tradition.

Hermeneutic phenomenological research is not about who or what is winning but rather about who is wondering what. Naturally then, the researcher needs to present a text that increasingly makes more vocative sense of the study participant(s)' perspectives and meanings. Particularly, phenomenological sense-making advances through detailed, persistent observation in pursuit of the most relevant characteristics and elements of the phenomenon (*See,* van Manen, 2014; Simon, 2011; Creswell, 2013). Thus, my discussion of Professor L's "in a corner of a room" metaphor under Downes' felt experience criteria has been presented illustratively to explicate the

presence of persistent researcher attention toward establishing both methodological

and methodical quality, rigor, validity and trustworthiness in this study.

Qualitative interpretation under Downes' criteria also supports this study's novel

use of informal conversation prompted by participant color image selection as a catalyst

for future research sense-making and wondering.   The phenomenological method of

inquiry is one that "constantly has to be invented anew and cannot be reduced to a

general set of strategies or research techniques" (van Manen, 2014, p. 372).   In

conversations with me, each of the professors candidly spoke in multi-dimensional

words and imagery, sagaciously exploring online lifeworlds filled with ithe intensity and

prosody of uniquely intertwined experiences. The phenomenological text presented

thus far may well be considered already rich and deep enough to bring the reader to

"meeting with it, going through it, encountering it, suffering it, consuming it, and, as well,

being consumed by it" (van Manen, 2014, p. 355).   However, I want to bring my

research design to a "higher universality" of felt experience. At this phase of writing this

Chapter, I continue to experience a nagging penchant to both amplify and broaden the

collaborative exploration. With the ease of **zoom.us** video conferencing employed

during some of the interviewing for the study, bringing the three professors and myself

together online all at the same time for a second conversation session would seem to

be a solution for my desire to expand collaborative interaction.   But, each professor has

been unequivocally adamant that their identity remain known only to me.

While mindful of the absolute need for confidentiality, I am reminded of writing

projects I have posed to my students at various levels of K-12 and in adult education

over the years: Imagining and writing down a dialogue among unrelated historical

figures or fictional characters. Sometimes, I introduced the interactive projects by having students draw a slip of paper with a name on it out of a hat, research the attributes of the real or fictional character drawn, personally assume his/her attributes and join small group collaborative conversations in which each student speaks through the "voice" of the assumed character. Sometimes I have asked the students to write down the conversations in the form of a play or as fictional "slice-of-life". I have also found the technique to work well as an ice-breaker in English as second language classes where, during an extemporized group conversation, each student assumes the identity of a person that might be encountered in American daily life.

By analogy in this study, I have found portions of the professors' individual conversations with me that mysteriously interface. It is as though W, S, L, and I had actually all talked together in the same place at the same time.[121] Even though the professors and I never met together at the same time in real space, my intuition has nudged me to find a virtual "home" space in which to collaboratively investigate the interface. "To investigate mystery requires the imagination to conceive what is beyond the known and what is obvious" (Hay and Nye, 1998, p. 72). The professor's conversations call out to be understood collectively, mutli-dimensionally, creatively and metaphorically.

Intuition can access "a number of diverse emotional scenarios…forced to intertwine and cause re-evaluation, sometimes explosively" (Downes, 1999, p. 113). The professors' individual expressions, much of which was conveyed through poetic speech that to my knowledge none of the three realized they were uttering at the time,

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[121]I discovered the interface while thematically coding transcripts under the five existential themes.

portend finding a revelatory portal that transcends logical and rational examination under van Manen's five existential themes, Gadamer's circular horizons of understanding, and Downes' criteria for identifying the existence of felt experience.

Is my intuitive yearning for a revelatory, transcendent portal a manifestation of what Gadamer had in mind when he said the adventure can be dangerous? Granted, moving dynamically toward an envisioned virtual collaboration at this juncture might be considered unbridlement of the hermeneutic engagement presented thus far or untoward evolution of the existential understanding already poetically revealed. Or is it really sensing that the Phenomenon's existential mystery cries out to be more powerfully probed?

Experiencing a phenomenon need not be "necessarily rational, logical, noncontradictory, or even describable in propositional or scientific language...(but)...be sensitive...to moments of insight, and even moments that we may experience our world in terms of mystery, confusion, disorientation, strangeness, or incongruity" (van Manen, 2014, p. 68). The energy of a phenomenological text thrives within this sense of tension "between what is unique and what is shared, between immanent and transcendent meaning and between the reflective and prereflective spheres of the lifeworld" (p. 68). It is both through acknowledging this tension and working through this tension that we attain the culminatory feeling of being "touched by things that reach the depth of our existence and confirm our humanness"(p. 68). Rainer Rilke (1987) poetically describes moments of seeing into the heart of things as "in-seeing":

If I were to tell you *where* my greatest feeling, my universal feeling, the bliss of my earthly existence has been, I would have to confess: It has always, here and

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there, been in this kind of in-seeing, in the indescribably swift, deep, timeless

moments of this divine seeing into the heart of things. (p. 77).

Phenomenological tension maintains the expectancy of seeing into the heart of

the phenomenon while the researcher remains both intuitively present within the domain

of logic and simultaneously able to gaze beyond logical domination.   Distinctly seeing

into the phenomenon opens the Self to the Other, defies logic-dominated description

and interpretation, and expects the indomitable epiphanic. The professors' yearnings

for finding solace amidst the chaos, corners, and warring spaces of their transitioning

must ultimately give way to allowing the phenomenon to be "that which shows itself [to]

be seen from itself in the very way in which it shows itself from itself" (Heidegger,

1927/1962, p. 58). This means to fully experience the phenomenon, one must move

through both an expectant as well as intuitive portal into the mysterious space where

the phenomenon dwells, not in order to analytically prod the phenomenon, but instead

allow the phenomenon to gratuitously and selflessly extend its revelatory unwrappings

toward us.

The human penchant is to search for and find lifeworld spaces where we can feel

"at home" so that we can "*be* what we *are*" (van Manen, 1990, p. 102). The professors'

reactions to the phenomenon we have seen thus far in this Chapter are fraught with

uneasiness and chaotic disorientation. —That feeling of not quite being what one is

when within the safety of the hearth at home or a feeling that may come when traveling

away from the hearth and heart of home. The desire for "at-homeness" embraces a

dreaming toward finding a space that at least has some home-like qualities. We have

already seen the overt tension in W, S, and L's conversations created by their yearning

to find the safety of a classroom within online space. Professor L and Professor S express the highly unconventional feeling of physically being inside the "four walls" of the computer with their students. Through the dichotomous image of clothes hangers strewn on the floor, Professor W voices a feeling that online teaching is an alien force bent on crumbling the four safe walls of both W's office space and classroom space.

The existential quest to find a teaching home within four walls in cyberspace entails both a willingness to accept the mysterious elements of online teaching and to accept the alien nature of that space. But is the connection between real space and cyberspace sufficient to effectuate and ultimately culminate the existential quest to find a teaching home in online space?

The mysteries of physical and cyber merge. As digitization progresses in this Century, disconnect between "physical" space and imagined "cyberspace" decreases: Perceptions about online boundaries between imagined cyberspace and physical space become "more permeable than the smooth glassy finality of the (computer) screen" (Grosz, 2001, p. 88). The digital is no longer conceptualized as separate and disembodied from reality but instead characterized as "real virtualities: the total imbrication, or layering, of the digital and physical upon one another" (Ehret & Hollett, 2014). The digital can no longer be encountered as merely on-screen "but rather spills outward into reality" (p. 431) so that "the body's felt experience is foregrounded and fluid between screen and world, digital and physical" (p. 449). This fusion of the digitally virtual and the physically real presupposes a receptive mind amenable to occupying transformative space.

The Transitional Mind

"One does not write primarily for being understood;
one writes for having understood being"
                              --Van Manen (2014, p. 373)

If I am to bring the professors and myself all together in virtual proximity using the texts from the professors' one-on-one conversations with me, my intuitive sense suggests that, in order to experience in-depth encounters with the truth of the blended texts, a new transformative space is necessary. In turn, the character of that space will influence the extent to which richly heuristic and rigorous interpretation can penetrate the mysterious and existential truths held within the conversational text and imagery.

Creating conversational "at-home" space.   Central to the existential perspective is the notion that "human experience, action, and meaning always unfold in relation to the world in which we find ourselves (Seamon & Sowers, 2009, n.p.). The perception of home as a place combines peoples' relationships with space, place, and environment. Experiential energy depends upon whether or not we feel enough at home in environmental space to deeply experience, act, and make meaning. The intersection of our exposure to the lifeworld of that space through the lens of the five existential themes fundamental to all worldly experience and realities mediates our mental perception of the level and quality of "at-homeness" we feel (van Manen, 2014; van Manen, 1996; van Manen, 1990).

The degree of lifeworld insideness and lifeworld outsideness takes on a different meaning and identity for each person (Relph, 1976/2008).   When away from home, the

individualized level of feeling while separated from home determines the degree a person belongs in and identifies self with both the comfortable and comforting home place and alternative and potentially alienating and dangerous new spaces. "[P]eople will always need place because having and identifying with place are integral to what and who we are as human beings" (Seamon & Sowers, 2009, n.p.). Seamon (2012) posits that the "at-homeness" of place embraces the lived qualities of rootedness, appropriation, at-easeness, sustenance, and regeneration. Embedded in life habits, rootedness involves how the lived body intimately relates to its environment. Appropriation means we can feel a sense of autonomous control over home. At-easeness integrates senses of inner mood and well being and enables accessibility to things and situations that satisfy and sustain lifeworld transparency. Regeneration equates home with relaxation, rest, restoration, and rejuvenation. Sustenance and well being are intangibles that can evoke positive emotions like joy and happiness (Id.).

In the text presented thus far in this Chapter, the professors have expressed feeling personal and pedagogical disruption of their home place by online space. Their conversation and imagery reveals a sense of spatial disorientation, discomfort, and loss of accessibility to the law classroom "home". Since the 18th Century, U.S. professors have taken for granted that the tenants of the law will be imparted to students within the predictable reality of the four-walled classroom regardless of whether Wythe, Langdell, or Turner's pedagogical techniques are employed. Yet, the professors cannot hide from their obligation to find elearning ways to fulfill the ABA's 2013 and 2014 mandates to teach legal job skills and legal doctrine sufficient for students to pass standardized tests (*See,* The Four Immutables discussed in Chapters 1 and 2). Moreover, the very act of

teaching online demonstrates the professors' capitulation to their institutions', the ABA's and students' call for more technology-driven instruction, higher education's overall enrollment and tuition crises, increasing online student cultural diversity, and the Global Legal Services Industry's overarching insistence on increased cyberspace immersion (*See,* The Five Protean Challenges discussed in Chapters 1 and 2).

Preceded by centuries of classroom tradition, their online professorial "being" inevitably suffers a sense of cold shock. W, S, and L's individual conversations with me witness to inability to simply be themselves, (both professorially and personally), while bombarded by the disconnectedness, uneasiness, and upset felt in online space. The professors' situation denotes significant disruption to the notion that "[T]here is always a place for you at home…this is also your place of being and that in it you simply are" (Shaw, 1990, p. 232). To the extent that the coldness of cyberspace has devoured the classroom and pedagogical tradition, "sense of place becomes spiritless space" (Seamon, 2012, p. 210).

The professors' felt frustration at being uprooted from the classroom's familiar sustenance may well be the manifestation of negative staticity in overly habituated space. Complacent rootedness left

unchecked can eventually choke out "at-homeness", whether characterized by legal tradition, the classroom's four walls, or personal home space. In that case, the integrity of personal and professional appropriation over home

place is disturbed. Yet, all of these factors do not diminish the fact that whatever the

external demands exerted by The Four Immutables and The Five Protean Challenges,

W, S, and L are inextricably bound to teach the standardized pattern and practice of

American legal doctrine. Even so, consuetude cannot be allowed to stymy intuition,

inspiration, and pedagogical growth. It is within this tension of body, place, and space

that W, S, and L find themselves struggling to find confidence that the felt uneasiness in

online teaching space will ultimately emerge, tempered and stabilized by established

classroom predictability.

When rootedness is in danger of

succumbing to entrenchment, the perception of

home narrows and should be re-evaluated. The

re-evaluation need not necessitate abandonment

of traditional home space in favor of an entirely

new home. Rather, extant home can be

horizonally re-visioned.   According to Gadamer's

hermeneutics, re-visioning home requires invoking

distanciation. Distanciation is the prismatically mysterious and diametrical core of

Gadamer's hermeneutical understanding. It is the concept of belonging to tradition and

history and at the same time looking at what is alien, foreign and distant in our

understanding of history. While distancing, (from the text, Others, and historical

tradition), is a necessary

condition for understanding, so too, distanciation itself must be overcome in order to

understand.   Operating temporally and spatially, distanciation requires both

movement away from lived experience and

movement toward reflecting upon lived

experience. Driven by the creative tension of

Zwischenspiel, (the play of the in-between), it

is the game, play, and interplay between

distance and proximity, belonging and

estrangement (Gadamer, 1960/2006).

Kaplan (2003) posits that distanciation's eloquent conduits are creative language

and poetic discourse:

> Creative language is often more revealing than descriptive language.
> Some things are best said or described creatively or metaphorically. The world
> of the text is distanced from the everyday world. But by pointing beyond the
> everyday world by projecting new possibilities, the text points back to the
> everyday world that invites us to question our present world.
>
> ...The critical power of poetic discourse is made possible by its referential
> capacity to point beyond the world which is another name for the distanciation of
> the real from itself. Poetic discourse opens up a distance between the everyday
> world and the world of the text, allowing us to step back and reflect on our world
> in light of a different, possibly better world. (p.35)

As discussed above, if all of us are to more intently reflect on the lifeworlds of

online law professors, I have the unrelenting hunch that the distance between the

everyday online teaching, personal worlds, and the world of the text (both speech and

imagery) may be achieved through a virtual gathering. Taking all of that into account,

the question becomes, "What virtual environment might best present the significant portions of the transcript texts that sound and feel intertwined even though in real time, they were not?" To develop this heightened relationality existentially, I have been in search of virtual platforms that use "the most complete and most human parts of the brain...(to) engage... imaginations" (Chandler, 2000, p. 29). The philosophical method of the epoché, reduction, and reduction-proper justifies my quest for a virtual relationality far-distanced from everyday pedagogical and personal worlds in which to stir up individual voices collaboratively.

The epoché, reduction, and reduction-proper. The epoché and reduction were first introduced in Chapter 1, implicated in the research paradigm in Chapter 3, and employed in the research method-making in Chapter 4. The reduction (the basic method) acts to access prereflective experience, break through day to day taken-for-grantedness, and target the meaning structures of experience (van Manen, 2014). The reduction's two components, the epoché and the reduction, both oppose and complement one another in order to activate reflective phenomenological attitude:

> Negatively it suspends or removes what obstructs access to the phenomenon—this move is called the epoché or bracketing. And positively it returns, leads back to the mode of appearing of the phenomenon—this move is called the reduction...(Then) [t]he reduction-proper...engages the reflective phenomenological attitude that aims to address the uniqueness of a phenomenon as it shows or gives itself in its singularity. (p. 215).

**Fig. 7. My conception of the reduction proper emerging
from the epoché/reduction as cyclical movement.
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I take exception to van Manen's characterization of the epoché/reduction

process to the extent that he regards the epoché (bracketing away

preconceptions/prejudices) as a single, aggregate move that leads back to the

appearance of the phenomenon (reduction).   As illustrated in Figure 7 above, I

conceive a cyclical and perpetual movement around the epoché and reduction. In my

view, throughout the research and writing process, repetitively scrutinizing the portrayal

of the phenomenon and its components for indicia of prejudice allows for renewable and

refreshed accessing of the phenomenon.   By virtue of the continuum, prejudices that

pose obstacles inhibiting approach to lifeworld phenomena or those that stifle creation

of powerful phenomenological text may be avoided or transcended (*See*, Figure 7

above).

The Epoché and Reduction Proper: Existential Understanding's Gateway

The reduction proper enables the phenomenological researcher to make

pertinent discoveries during data collection and to describe and interpret their essence

(van Manen, 2014). The "reduction-proper ...aims to address the uniqueness of the

phenomenon as it shows or gives itself in its singularity" (228).   Additionally, by

activating my interpretation of the epoché/reduction, prejudices are continually and

iteratively examined.— When apprehension of prejudices newly identified ensues and

renewed attention to those previously identified follows, the researcher can move

forward with refreshed resolve to subdue distractions and see the phenomenon emerge

in ever increasing clarity (*See,* Figure 7).

The epoché and reduction seeks to achieve openness in research design and

application in order "to return to the world as we live it in the natural attitude" (van

Manen, 2014, p. 222). Four specific approaches engage meaning: 1) Heuristic

bracketing of the attitude of taken-for-grantedness to awaken wonder about the

phenomenon; 2) Hermeneutic bracketing of all interpretation, subjective feelings,

preferences, inclinations or expectations and practicing radical openness to the phenomenon; 3) Experiential bracketing theoretical meaning to explicate concreteness or lived meaning; 4) Methodological bracketing of all conventional research techniques to invent an approach appropriately fitting the phenomenon under study.

When the phenomenological researcher applies the epoché and reduction with an eye toward the writing phase of the study, the reduction proper's multiple approaches and dimensional elements should be examined. The reduction proper may be both "incommensurable" and "complementary" (Id.) through its five dimensions: The eidetic, ontological, ethical, radical and originary. An exemplar below illustrates application of the dimensions to Professor L's poetic rendering of "Online Space".   An expanded overview of the five dimensions and discussion of the originary reduction's application to the virtual journey commencing later in this Chapter follow.

ONLINE SPACE

I'm not thinking about
The grand prairies
The grand universe—
I'm thinking about…Being.

First job, confined space
A tiny concrete-block office
Out behind the plant…
A corner of a room.

Cyberspace, it's all over,
Students all over;
Yet, when they call
Into this little course,
They kind of crawl
Inside the computer—
Me Too
(In) a corner of a room.

--L
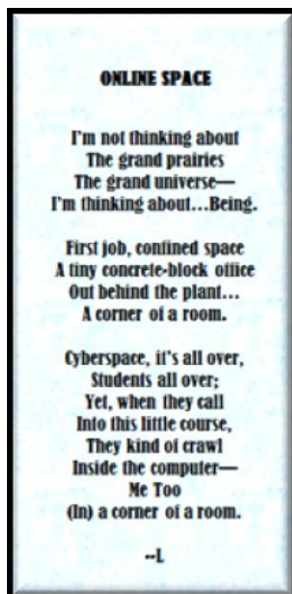
The reduction proper dimensionally: "In a corner of a room". Bracketing away prejudices serves as overseer and moderator, allowing the burgeoning of textual meaning. Professor W, S, and L's conversations and images emerge free from obstacles. This signifies the reduction proper is operative and amenable to evocative text.   As illustrative below, Professor L's "Online Space" (reprinted at left) embraces the epoché and reduction's bracketing approach to openness, enabling meaning giving:

The Epoché and Reduction

Professor L's Flash of Insight: "Inside" Online

Approach to Openness (Bracketing) ⟷ **The Reduction Proper (Meaning Giving)**

Heuristic (Wonder)
Bracket taken-for-grantedness about computer spatiality; struck by strangeness.

Hermeneutic (Openness)
Bracket personal distractions about online spatiality; Let L speak that which L wishes to speak from" inside" the computer.

Experiential (Concreteness)
Bracket theoretical meaning; hear L's "inside" experience prereflectively.

Method (Approach)
Bracket conventional research method; Use conversation and pixabay images.

Eidetic (Whatness)
Focus on L's distinct and unique spatiality view from inside the computer.

Ontological (Being)
Focus on L's "crawling inside" the computer as L's mode of being.

Ethical (Alterity)
Focus on the enigma of L "inside" the computer; feel obliged to reveal it.

Radical (Self-Givenness)
Focus on L's nonintentional expression of self "inside" the computer.

Originary (Inception)
Focus on L's flash of insight about being "inside" the phenomenon of online learning.

Fig. 8. (Adapted from van Manen, 2014, pp. 222-239). Application of Epoché and Reduction to L's spatiality inceptional flashes of insight: Occupying space inside a computer.

Precursor epoché modalities. As the schematic above outlines, through the heuristic (wonder) epoché component, Professor L conveys the dual notions of taken for grantedness and wonder about "occupying" space inside the computer. Under the hermeneutic component (openness), personal distractions about online spatiality are set aside to let L speak that which L wishes to speak from "inside" space. Under the experiential (concreteness) component, any theoretical meaning about L's "inside" experience is set aside and L's words flow prereflectively. Under the method (approach) component, conversational interviewing and the aesthetics of pixabay images supplement typical research methods. Application of the four epoché components minimizes barriers to letting the Phenomenon speak.

The reduction proper. All five of the reduction proper dimensions are present in this study's text. As an example, Professor L's metaphoric "inside-ness" demonstrates how each of the reduction's meaning dimensions catch a glimpse of the Phenomenon in the act of giving Itself in singularity.

The eidetic reduction. The eidetic taps into the lived-throughness of life not the conception of life. "The world is not what I think, but what I live through" (Merleau-Ponty, 1962, p. xviii). For Professor L, the online lifeworld presents itself as definable space (the computer) that challenges the concept of real space with a metaphoric possibility for a pre-cognitive, preconstructed lifeworld filled with "ambiguity, irreducibility, contingency, mystery and ultimate indeterminacy" (van Manen, 2014, p. 230) capable of encapsulating L and L's students.

The ontological reduction. The ontological reduction method explicates ways of being in the lifeworld with the understanding that the lifeworld can never be fully

revealed. Shifting focus from ontic meaning (whatness of being) to ontological meaning (mode of being), the ontological reduction recognizes that "every way of being in the world is a way of understanding the world as an event of being" (p. 231). In the opening stanza of "Online Space", Professor L affirmatively states "I'm thinking about...Being". Through the image of crawling inside the computer, L acknowledges being within the computer is as possible an event of Being as externally being with "[c]yberspace" because "it's all over..."

The ethical reduction: Alterity. The ethical reduction progresses beyond both the eidetic reduction and ontological reduction to approach singular otherness or alterity within the lifeworld. The ethical reduction exceeds the presumptive view of the Other as an object of personal perception. Ultimately, it vocatively reveals felt experience in terms of the Other "who stirs and touches me" (p. 233). For Professor L, the computer takes on an anthropomorphic, predatory form as the Other in the guise of one who intensely stirs, touches, and envelopes by enticing L and L's students to "crawl inside". Within the ethical reduction dimension, the way the other shows itself concomitantly charges one unequivocally and specifically with a caring responsibility (Levinas, 2003). Professor L "cares" for students by not allowing them to experience the intensity of online space alone. L protectively crawls in after them: "[W]hen they call into this little course, they kind of crawl inside...Me Too". The tone of L's revelation focuses on the enigma of Being "Inside" online space and L's felt obligation to reveal the meaning of being so situated.

The radical reduction. The radical reduction focuses on how the phenomenon nonintentionally "gives itself as itself" (van Manen, 2014, p. 234). The phenomenon's selfgiveness depends upon bracketing away any sense that the Other supercedes the phenomenon's unfolding. "What *shows itself* first *gives itself*" (Jean-Luc Marion (2002, p. 5). Thus, the textual focus is away from any intentionality on L's part to expose L and L's students to the "inside" of the online lifeworld and the textual focus is toward the online lifeworld's capacity to entice and envelope.

The originary reduction. The originary reduction orients to the phenomenon's seminality, in a "flash of insight that may happen...(where) [i]nceptual thought arriving through the backdoor...drives attentive, compulsive, irresistible inquiry" (pp. 235 & 214). Professor L's poetic speech suspends pondering the conceptualized meaning of online learning to beguilingly draw both the writer and reader of the text into thinking about the uncannily intriguing enigma of "Being" inside the computer.

Reduction's role in virtual journeying: Writing through originary meaning. The originary dimension of the reduction may occur when a phenomenon so startlingly appropriates the meaning-making field that the writer of the text and the reader of the text may instantaneously "not only gain a phenomenological understanding of some object or thing...(but) also gain an original sight of ourselves as humans" (p. 235). This flash of insight focuses "primordially on the emergent meanings and how a phenomenon...comes into being" (p. 236). Heidegger (1999; 2012) calls this unexpected cracking open of prejudices (the epoché) as the defining moment when the truth of "beying", (i.e., the very beginning and core of the meaning of being), occurs. It is the occurrence of the flash of insight itself that is more important than trying to

understand the phenomenon's superior role in the experience and the machinations of its creative power to do so. The originary reduction method embraces five ontological/epistemological tenets: 1) A fragile yet in-depth moment of heuristic grasping original or fundamental insight; 2) Inceptual thinking or ingrasping "like a sudden twist or turn" (p. 237) rather than conceptual meaning-giving via theories or scientific reports; 3) Inceptual thought arriving through the backdoor when musing or thinking drives attentive, compulsive, irresistible inquiry; 4) Inceptual thought cannot be found but rather finds; 5) Inceptuality resonates through the powerful sensation of witnessing the split second appearance of something momentous gained through "willingness to surrender to the grace of serendipity" (van Manen, 2014, p. 239).

   Originary flashes of insight implicate virtual collaborative space. During thematic analysis of the transcripts containing the professors' individual conversations with me, it was through the reduction's originary dimension that I experienced a single moment charged with two simultaneous and unexpected insights: 1) Large segments of the individual conversations' were of such common thread that they seemed as if they had been spoken with all four of us occupying the same space; and 2) Within the undercurrent of the text and imagery in these segments that reveal the uncertainties and chaos of online teaching, each of the professors long to have the same feeling of "home" that they have experienced while teaching within a classroom's four walls. The aftermath of these insights led me to candidly question whether the discipline of hermeneutic phenomenological research provides space for such a virtual presentation and to intensely contemplate the possible parameters of that virtual collaborative sphere. Thus, the seminal reflective grasping at the threads of a virtual journeying

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together (W, S, L, myself and you, my reader) was born where longing and searching for home might breathe new transcendent meaning into the online pedagogic lifeworld.

     Virtual collaboration's authenticity. Phenomenological inquiry is ensconced in the intriguingly dual realm of the "concreteness" of possibilities. "[P]henomenological inquiry does not yield indubitable knowledge" (van Manen, 1996, p.10). At the same time, phenomenological analysis will fail for lack of substance if it is deficit in "experiential detail, concreteness, vividness, and lived-throughness" (van Manen, 2014, p. 297). Exercising concreteness and lived-throughness in the phenomenological text is accomplished through bracketing away everyday reality so that both the text's writer and text's reader can examine the <u>felt experience of the reality</u> rather than the <u>reality itself</u>. This brings the lifeworld of the phenomenon into better focus so that the accuracy of understanding a phenomenon can be scrutinized.

     Inventing a virtual collaborative space is one way of setting aside the everyday reality of teaching online in order to more clearly see it.   Moreover, it is logistically appropriate: Each professor's agreement to engage in individual conversation has been contingent upon terms of strict personal, professional and institutional confidentiality so that it has been impossible to actually assemble all three of them with me for collaborative conversation.   However, in reality, save for prohibitive identity issues, it is <u>not impossible</u> for three professors and a researcher to gather in person or via video-conference to collaboratively talk about the transition from teaching law in the classroom to teaching law online.   "[W]e may enrich our lives by the recognition that...possible experiences could be or become our own actual experiences" (van Manen, 1996, p. 9).

Also, the establishment of a virtual collaborative space fulfills phenomenology's poetic voice. "[P]henomenology...explores poetically what space can mean by offering possible space experiences" (p. 17). The collaborative virtual space to be unveiled subsequently in this Chapter and in Chapter 6 is a possible space which through its virtuality can bring the real world closer. Exposure to the Phenomenon through vocative, poetic text heightens the possibility for understanding the Phenomenon.

Thus, "interpretive phenomenology (hermeneutics)...aims to explore the many possible ways that we may experience and meaningfully understand our world and our relations with others" (p. 10). My envisioned virtual collaborative space is one of those many possibilities. Yet, detecting its authenticity is nothing without fruition. Accordingly, the virtual design unfolds below despite cyberspace's propensity for rendering it precarious.—Adventure Gadamer might well deem singularly dangerous.

Virtual Collaborative Space Selection: The What, Why, and How.

What is the specific nature of a discrete virtual space harboring the possibility for collaborative conversation? Are there any factors I have not yet discussed about the parameters of online space that contribute to the professors' felt uneasiness, chaos, and yearnings? How can a virtual collaborative space be designed that might be sufficiently distanced from the act of developing and implementing online courses, (i.e., sitting at a desk or a computer or standing before a video camera), but still constitute a rich venue for mutually open reflection? Admittedly, it is beyond the scope of this study to intently analyze inescapable external factors for possible effect upon existentially felt experiences. Concomitantly, I do aim to offer virtual collaborative space sufficiently distanced to allow fresh perspective. Yet, it is a given that the virtual platform for

collaboration soon to unfold in this Chapter cannot escape the impact of cyberspace: This dissertation must be delivered to you via some internet remote location and read by you on a computer, laptop, tablet or mobile device at yet another internet remote location, all far distanced from each of the professors' and my physical locations.

However, it is necessary within the purview of this study to continue to acknowledge the existence of potentially relevant external factors. Hence, in keeping with my discussion of the Immutables and Protean Challenges in Chapters 1 and 2, the next sections of this Chapter document my quest for the least invasive space for online conversational collaboration: Within a virtual forest. The first section below introduces the burgeoning of the Internet of Things that harbingers personal, professional, and social lifeworlds' heightened vulnerability. This is followed by an overview of manmade electromagnetic radiation and electromagnetic field's damage to human energy, the connection between human stress and cyberspace radiation, the internet's rewiring of the human brain, electrosmog's ability to clog human "light", and what trees sacrifice to shield all living things from ensuing harm.

The Internet of Things.   All human lifeworlds, whether ostensibly private or knowingly transparent are fast becoming more vulnerable to convergence and permeability. The Internet of Things (IoT) brings us ever closer to a fully global admixture of human energy and technology:

> The Internet of Things (IoT) is currently emerging as the next megatrend in technology...Though its definition is broad and changing, IoT refers generally to a global infrastructure for the information society, enabling advanced services

by interconnecting (physical and virtual) things based on existing and evolving

interoperable information and communication technologies. (Shin, 2017, pg 77)

The IoT sweeps up and dramatically expands beyond PC, laptop, tablet and

cellphone use. IoT wearable mobile devices already monitor highly personal things like

physical fitness and elderly slip and falls. Likewise, "smart" houses are set to join

"smart" neighborhoods, making way for scenarios like 24/7 remote monitoring that will

link multiple kitchen refrigerators and send out an urgent alert that one green thing in

one of the vegetable crispers in one of the "smart" houses on the block is on the verge

of rotting. Even more personally invasive devices already provide brain-computer

interfaces that make the human body itself capable of delivering electromagnetic energy

between technology devices. The IoT's high-tec cynergistic looping forecasts

widespread exposure of living cells, (the human body's bio-electrical and bio-chemical

internal communicators), to ubiquitous electromagnetic frequencies that cause stress

and drain energy (*See, e.g.,* Namdev & Siddiqui, 2015; Singh & Kappor, 2014).

Human light and lost energy.   Everything radiates light (Kobayashi, 2014;

Cass, 2007). Humans constantly emit very weak light. When environmental factors

cause stress, we, like all living organisms, radiate a brighter light called biophoton

emission that excites biological molecules to drop to lower energy states. Most of these

excited biological molecules are reactive oxygen species (ROS) (Ankush & Pavel, 2011;

Kobayashi, 2014). When singlet oxygen, an ROS, shifts to a lower energy state, it

emits photons (Anshu & Pavel, 2010). Even low concentrations of ROS are toxic to

living cells, impair membrane function, reduce enzyme activity, and promote oxidation in

DNA (Kobayashi, 2014; Ankush & Pavel, 2011). Manmade electromagnetic radiation

has the ability to shift living organisms' ROS to a lower energy state and cause

excessive light emission, a situation of growing concern to research scientists (*See,*

e.g., Houston, et al., 2016; Ortiz, et al., 2016; Aydogan, et al., (2015). Everything

including humans, emits some level of radiation and most of it is not the result of

mankind's intervention.[122]   Invisible electromagnetic radiation forces from outer space,

terrestrial space, and personal space envelope us. As a subset, the additional invisible

forces of cyberspace beset online users.

The unseen forces of cyberspace.   Existentially and intellectually sound

relationality within cyberspace, (the online connection), can both capture and captivate

reality. It is a reality where online law professors and their students abide, unsuspecting

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[122]*Discover Magazine* (2007) reported radioactive energy, (alpha particles, beta particles,
gamma rays, muons, and neutrinos), was bombarding the average American with about 360
millirems of total radiation per year which is equal to approximately 36 X-rays. Of that total in
2007, 200 millirems emanated from naturally occurring radon gas; on yearly average, 53
millirems from medical X-rays; about 28 millirems per year in our close environment including
food and clothing; approximately 27 mllirems per year from cosmic rays; 40 millirems annually
generated internally from decaying isotopes in the molecules of the human body; and
approximately 1 millirem total from smoke detectors, atomic weapons tests, nuclear power
plants and neutrinos emitted from the core of the sun (Cass, 2007). Seven years after the
Discover Magazine article, the United States Nuclear Regulatory Commission's (USNRC) most
recent report (2014), shows the yearly millirem exposure for humans has nearly doubled to 620
millirems.

The 2014 USNRC report reveals about half of the 620 millirems come from natural
background radiation: cosmic radiation from the sun and stars, terrestrial radiation from the
earth, and internal radiation from inside human bodies with most of the background exposure
from radon in the air and smaller amounts from cosmic rays and the Earth. The other half (310
millirem) comes from man-made radiation including medical devices, consumer products, and
industrial sources (from nuclear fuel cycles, and uranium mining and milling), minimal exposure
from transportation of radioactive materials, and fallout from nuclear weapons testing and
reactor accidents. Some people experience additional occupational exposures in fuel cycle
facilities or working in industrial radiography and radiology, nuclear medicine, radiation
oncology, government and university research laboratories, and nuclear power plants. The
USNRC report notes nearly all (96%) of human exposure to man-made radiation is from medical
procedures with a single chest x-ray at about 10 millirem and a single whole body CT scan at
1,000 millirem, and on average, an internal dose of about 30 millirem from food and water
(USNRC, 2014).

prey to furtive manmade technological forces. While scientific research is only on the cusp of understanding the full effects of these cyber-forces, the existence of their onslaught is proved. Does it then follow that cyber-bombardment may well be a significant factor in selecting a virtual venue for collaborative conversation?

The polarizing effect of manmade electromagnetic fields and radiation.

Natural Electromagnetic Fields (EMFs) and Electromagnetic Radiation, (EMR) constitute "natural background radiation" continually present from the dawn of earth's existence.   Human exposure to man-made EMFs/EMR ranks significantly higher in intensity, energy, and duration than human exposure to natural EMFs/EMR. In a collaborative study among British and European scientists published late in 2015 (Panagopoulos, Johansson, & Carlo), researchers analyze why man-made EMFs/EMR initiate greater biological/health effects than naturally occurring EMFs and EMR. The researchers find the key lies in man-made EMFs/EMR polarization. Polarization is nonexistent in naturally occurring EMFs/EMR .[123]

> *You cannot live for yourselves; a thousand fibres connect you...and along those fibres, as along sympathetic threads, run your actions as causes, and return to you as effects.'*
>
> --(Melvill, 1855, p. 454)

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[123]Polarized man-made EMFs/EMR can increase biological activity for two reasons: 1) "Ability to produce constructive interference effects and amplify their intensities at many locations.   2) Ability to force all charged/polar molecules and especially free ions within and around all living cells to oscillate on parallel planes and in phase with the applied polarized field...resulting in…consequent disruption of the cell's electrochemical balance. These features render man-made EMFs/EMR more bioactive than natural non-ionizing EMFs/EMR" (Id.).

When Henry Melvill, Professor at the East India Company College, walked

outside after delivering the above words in 1855, the only excessive radiation was

solar, and it was successfully shielded by the earth's atmosphere. Now, one hundred

and sixty-two years later, the earth's atmosphere offers little protection from manmade

cyberspace radiation. Whether we log online through computers or mobile devices,

unseen polarizing fibers both connect us and relentlessly bombard us.

In 1855, Henry Melvil experienced natural EMR/EMFs including cosmic

microwaves, infrared, visible light, ultraviolet, and gamma rays. Into the 20th Century,

artificial emissions including thermal filament light bulbs, gas discharge lamps, x-rays,

and lasers came on the scene. When EMR/EMF "oscillates on a distinct random plane,

and...photons are not produced simultaneously…they have random phase differences

among them" (p. 2). None of the natural EMR/EMF's or the artifical emissions are

polarized. On the other hand, polarized EMFs/EMR, (every type of man-made

EMF/EMR), to which Melvill's generation and most of the 20th Century were never

exposed, can cause interference effects and amplify field intensities that trigger

significant increases in the probability for initiation of biological/health effects.[124]

In addition, fields from several vertically oriented antennas emitting EMFs/EMR

may produce additional "constructive interference effects" (p. 2). This amplification

within certain locations of local field intensity makes living tissue more vulnerable to

biological effects by causing charged particles within the tissue to oscillate (Sangeetha,

Purushothaman, & Babu, 2014). Panagopoulos, Johansson, and Carlo (2015) argue

that increased biological activity may not necessarily result in observable

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[124]These effects induce coherent oscillations on charged molecules within the medium of
biological tissue. As a result, all the charged molecules in biological tissue are forced to
oscillate in phase with the field and planes parallel to the manmade polarized EMFs/EMR (Id.).

biological/health effects in humans because adaptive mechanisms operate at the cellular-tissue-organism levels. However, their study also notes that when bodily stress or increased metabolic needs, (e.g. illness, childhood development, old age), are present, the adaptive mechanisms may not be totally effective.

As I have already suggested in this study, contemplation of the existential theme of relationality, (lived Self-Other, or lifeworld connectedness), completes the intuitive circle of how it feels to experience online lived space and lived time. "[I]nterpersonal space…yields a transcendence of the self where…human beings have searched in this experience…(for) a sense of purpose in life, meaningfulness, grounds for living" (van Manen, 1990, pgs. 104-105). Within operative relationality, Gadamer urges us to learn to experience the festival of time and space. As will be seen later in this Chapter, W, S, L and I engage in a "possible" virtual conversation in contemplation of relationality, materiality, and technology. Therein, verbatim excerpts from the professors' actual individual conversations with me expose their discernment of the very real effects of elearning's ephemeral "things", (e.g., embodied virtuality, online time, space, and existential presence), and elearning's material "things", (e.g., computers, mobile devices, internet connections), that both contribute to and cloud the essential meaning of the professors' online transitioning experience.   S and L's descriptions of being inside the computer presented earlier in this Chapter provide a clue to the experiences we can see, contemplate, and feel about transitioning into the cyber-lifeworld, interacting with digital equipment, and relationality with students. But what of the unseen forces impinging on the transition, the interaction, and the relationality?

"*The internet is an interruption system. It seizes our attention only to scramble it*"
--Carr, 2010, n.p.
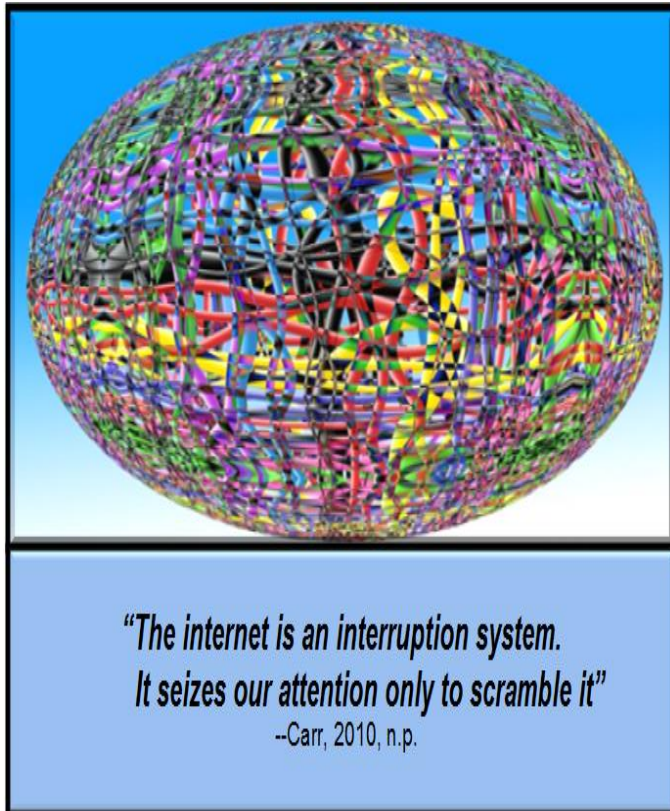
The impact of cyberspace on the brain. Two studies during the last decade conducted by UCLA researchers (Small, Vorgan, et al., 2008; Small, et al., 2009) directly investigated the correlation of brain neural activation and online information processing. Small, et al. (2009) compared brain activation of elderly participants with and without internet surfing experience. From within an fMRI chamber, both elderly novice surfers and elderly native surfers' conducted internet search and reading tasks. Particularly in the brain pre-frontal regions, the natives experienced increased brain activations while internet searching versus reading. The novices showed little difference in brain activity between internet searching versus reading. However, after the novices practiced internet searching for five days, they showed additional pre-frontal brain activation during the task (Small & Vorgan, 2008). Small et al. (2009) suggest the activations reflect the ability of the internet to stimulate areas of the brain in ways that actually rewire the brain. A later study found excessive multi-tasking with multiple online media diminished productivity and increased inattention (Strayer & Watson, 2012).

Opining that online media does indeed rewire our brains, technology writer

Nicholos Carr observes in *The Shallows* (2011):

> Media work their magic…on the nervous system itself…Our focus on a medium's
>
> content can blind us to these deep effects. We're too busy being dazzled or
>
> disturbed by the programming to notice what's going on inside our heads. (p. 3)

Albeit, no researchers have yet conducted studies on the correlation, if any, between

internet brain-rewiring and manmade EMFs/EMR's forced polarization of biological

molecules in the human brain. Gadamer speaks of existentially felt oscillations among

strangeness, movement and staticity. Do manmade EMFs/EMR's contribute to the

existentially felt oscillations within online lifeworlds?

Google's clutter effect on the elearning canvas. Chandler (2000) advises

that to create great relationships, we have to work upon "an empty canvas, and then

there is paint, and then there is a picture! And soon that picture is more colorful and

detailed" (p. 51). Recent studies show that relational and collaborative learning online

does not begin with an empty elearning canvas. An online professor's pedagogy

creates a canvas for online relationality in the midst of the unseen bombardments by

EMFs/EMR and internet brain rewiring.

Student brains are now retrofitted with an external hard drive: the online search

engine. So, the canvas for online law professors seeking to design digitally sound and

intellectually colorful learning experiences presents at the outset, pre-cluttered.

Although Google has published no statistics for 2015 and 2016, statisticbrain.com

claims Google processed over 5 trillion searches per day in 2014 (Statistic Brain, 2016).

Since the Google search engine's first internet appearance in 1998, the law world

experiences the luxury of instant information access. Law professors and their students do not necessarily need to exclusively rely on dedicated, costly law search sites like LexusNexus and Westlaw. Google Scholar facilitates searches in law and patents.

The convenience of free knowledge on the fly comes with a price: the "Google effect" is arbitrarily changing the way students think. The results of four studies conducted by researchers from Columbia University, University of Wisconsin-Madison, and Harvard (Sparrow, Liu, & Wegner, 2011) suggest that college students have lower rates of information recall when they expect to have future access to that information online. At the same time, students have enhanced recall for where to re-access the online information. The researchers concluded that the Internet serves as a primary external memory where information is stored collectively outside of the human brain:

> We are becoming symbiotic with our computer tools, growing into interconnected systems that remember less by knowing information than by knowing where the information can be found… The experience of losing our Internet connection becomes more and more like losing a friend. We must remain plugged in to know what Google knows (p. 778)

Relying on Google to store legal knowledge long-term instead of in the brains of legal education students looms problematic for successful degree completion and gaining and keeping future employment. What Bar Examiner, what paralegal certifier, what judge, what senior law partner, what client would tolerate the absurdity: "Hold everything, let me google that."   Professional skills training mandated by the ABA presupposes that legal student use information stored in long-term brain memory to facilitate a wide range of critical legal thinking. It is the memory of the legal concepts

and legal skills and the ability to call them to mind instantaneously that are necessary

to competently interact in the global legal economy.

Electrosmog and human light.   Earlier in this Chapter, I discussed how the

weak but normal light humans constantly radiate can detrimentally increase when

environmentally caused stress leads to a lower biological energy state, impaired cellular

membrane function, reduced enzyme

activity, and oxidation in cellular DNA

(Kobayashi, 2014; Cass, 2007; Anshu &

Pavel, 2010; Ankush & Pavel, 2011).

In a groundbreaking study presented

at the 7th Augmented Human International

Conference earlier last year (Fan, et al.,

2016), researchers from Japan and Singapore

investigated the potential hazards to humans

Fig. 9. Visualizing detected electrosmog level by blurring HMD vision: Normal on left, electrosmog on right. Images Copyright © 2016 Kevin Fan, Jean-Marc Seigneur, Suranga Nanayakkara, & Masahiko Inami.

from wireless technology's emission of electrosmog from Wi-Fi hotspots and cellular

towers. Electrosmog is the invisible, electromagnetic radiation emitted during electronic

communication using mobile phones, computers, tablets and the devices' networking

communication technology, (e.g., Wi-Fi, cellular networks, and close range Bluetooth).

The study employed augmented reality techniques to visualize the unseen electrosmog

that engulfs human users in their everyday environments. While the researchers

realized and measured the electrosmog emitted from smartphones in office and urban

areas versus rural areas, participants viewed clouded images via face-mounted displays

(HMD's). By blurring vision in real time, the study participants were able to "see" the clouds of electrosmog that pollute their environment, (*See,* Figure 9).

During the year of 2016 alone, other researchers from around the globe have flooded peer reviewed journals with additional studies about the effects of EMFs/EMR on living organisms. Those that directly target impact on humans include a study of damaging effects of cellphone use on human hearing with reference to exposure to other electronic devices including laptop computers (Mortazavi and Mohammad, S., et al. (2016); use of fitness programs to overcome health problems from EMF low frequency exposure in workers at an electrical power station (Hoseien, Fahmy, Bahr, et al., 2009); alternation of antioxidant genes in human cells due to intermittent and constant exposure of human cells to low intensity EMFs (Mahmoudinasab, Sanie-Jahromi, & Saadat, 2016); and quality of sleep, general health, and educational performance in 450 university students adversely effected by excessive use of mobile phones (Eyvazlou, Zarei, Rahimi, et al., 2016).

The healing power of trees. Trees shield us from EMFs/EMR. Trees offer relief from stress. However, the power of forests to heal is not without sacrifice. Recent studies back up findings regarding the stress-relieving power of forests with empirical data showing that trees block EMFs/EMR that are responsible for the ROS toxic mechanisms that cause living organisms including humans to lose too much internal light to the surrounding environment.   In addition, several decades of theory

and empirical evidence suggest exposure to nature supports recovery from stress because humans are genetically inclined to respond positively to both real and virtual environments favoring survival and safety.
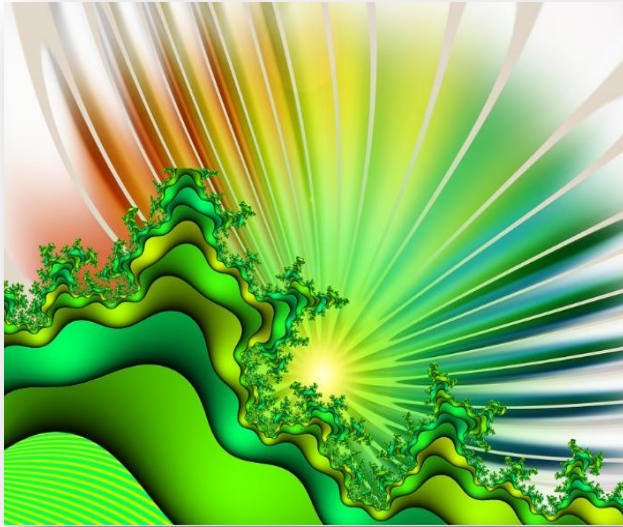
Forests enrich mind and body. A short visit to an urban woodland or an urban park yields more positive impact on personal feelings of restoration than a short visit to a built-up city center (Tyrvainen et al., 2014). Compared with individuals who visit urban settings, participants who visit forest landscapes report significantly higher levels of refreshed calm, and lower pulse rate, blood pressure, and cortisol levels indicating lower levels of stress (Lee, et al., 2009; Tyrvainen et al., 2014; Chang & Chen, 2005).

Recent research conducted at Stanford University (Bratman, et. al., 2015) neurologically studied how a forested place positively affects the human brain. Researchers closely scrutinized the effect a walk in the woods has on human brooding. Cognitive scientists term brooding as rumination, (i.e., repetitive thought focused on negative aspects of the self). In the excerpts from the professors' individual conversations with me already presented in this Chapter, W, S, and L ruminate upon their felt experiences of uneasiness, chaos and yearning.

The Stanford study participants were 38 healthy, adult city dwellers. Before

walking, each underwent a brain scan to check for the level of blood flow through their

subgenual prefrontal cortex (sgPFC). Higher levels of blood flow in that part of the brain

signal higher levels of brooding. All participants also completed a questionnaire to

determine their level of brooding. Then for 90 minutes, half walked in a quiet forested

area on campus and the other half walked next to a loud, congested multi-lane highway.

Those who walked along the forested pathway reported lower levels of rumination and

their brain scans showed reduced sgPFC activity compared to those who walked along

the highway. The researchers concluded that the study results strongly suggest walking

in a natural environment may be an almost immediate way to improve mood and well-

being (Bratman, et al., 2015).

Even forest exposure through virtual visual stimulation produces stress recovery

effects. A study jointly conducted by researchers at the University of Illinois and the

University of Hong Kong (Jiang, et al., 2014) suggests the deepest visual imagery

exposure to the densest virtual forest has the greatest stress relieving outcome. In the

study, 158 young adults were first asked to prepare a 3 or 5 minute public speech and a

5 minute subtraction task which they then performed in front of two interviewers and a

video camera. After completing these stress inducing exercises, the participants were

showed 3-D videos of eye-level forest canopies in urban settings and asked to write

narratives about how the forest scenes made them feel. Participants used words

describing relaxation, calmness, tranquility, peacefulness, being worry-free, safety,

quiet, and being unrushed. The study's findings suggest that the denser the forest

viewed, the greater the stress reduction (Jiang, et al., 2014).

A 2013 study found that viewing nature scenes can also positively affect autonomic heart rate after exposure to acute mental stressors (Brown, et. al., 2013). Study participants were showed two different scenes: the first composed of trees, grass, and fields and the second composed of man-made, urban areas without natural characteristics. When the participants were then exposed to stress, autonomic heart function was measured and found to be higher when the nature scene was viewed. The researchers conclude that these findings suggest nature, even virtually introduced, can improve heart recovery after stress exposure. Likewise, a 2012 study (Gladwell, et al.) following up previous studies showing that nature improves mood, self-esteem and blood pressure reduction, similarly concluded that autonomic heart function improves upon a participant's at-rest viewing of nature scenes versus urban scenes.

Trees block EMFs/EMR. A joint study by researchers in The United Kingdom and Nigeria earlier last year (As, et al., 2016; *see, also* Rodriguez, et al., 2016) has determined that the more leaves a tree grows, the greater its ability to block EMFs/EMR. A denser tree canopy intercepts high amounts of radiation and attenuates radio waves. The tree's ability to scatter, absorb, reflect and diffract radio waves reduces the radio equipments' communication coverage range (As, et al., 2016). Yet, the more trees shield us from EMFs/EMR, the sicker they become.
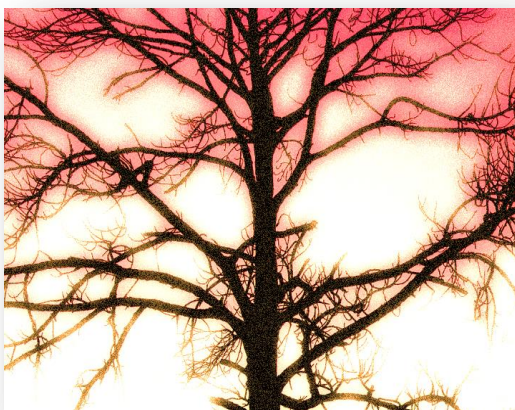
The forest's sacrificial breath. A forest's ability to improve human health and environmental quality through reduction of EMFs/EMR loads comes with a price. Wi-Fi

networks create radiation that harms all deciduous trees in the Western world, causing significant variations in growth and bleeding and fissured bark (Shoemaker, 2010). Estimated to produce 67 million tons of oxygen annually in the U.S. alone, urban forests have a significant positive impact on water quality, air temperatures, and atmospheric trace chemicals, (e.g., carbon dioxide, ozone, particulate matter, sulfur dioxide, nitrogen dioxide, carbon monoxide, lead). However, the more forests "breathe" to make us healthier, the sicker trees may become (Shoemaker, 2010).

Several years ago, the city of Alphen an den Rijn, Netherlands, found tree abnormalities that could not be attributed to a viral or bacterial infection with about 70% of all trees in urban areas symptomatic compared with only 10% in previous years. The city commissioned a study exposing twenty ash trees to electromagnetic fields created by mobile-phone networks and wireless local area networks for a period of three months. The study found that trees closest to Wi-Fi radio emissions developed a lead-like shine on their leaves leading to death in the upper and lower epidermis of the leaves. The study also found Wi-Fi radiation inhibited the growth of corn cobs. In additional testing, the researchers found the same disease conditions throughout the Western world. Trees in densely forested areas showed the least damage from Wi-Fi emissions (Shoemaker, 2010).

British biologist Dr. Andrew Goldsworthy (2011) notes that trees are dying as the result of exposure to the radiation fields from mobile phones, their base stations, Wi-Fi and related devices. The affected trees exhibit cancer-like growths under the bark and infected tissues in bark splits. Goldsworthy suggests these mysterious tree deaths are the result of EMFs/EMR ability to confuse the trees' biological clock. Exposure to

electromagnetic radiation disrupts the tree's *circadian rhythms.* If a tree cannot regularly and timely anticipate the arrival of dawn and dusk, it becomes more susceptible to disease because it cannot trigger the different enzymes required during the day and at night. In addition to corroborating the leaf death found by the researchers in the Netherlands, Goldsworthy notes that an increasing number of trees fail to shed leaves and/or fruit at the proper time and sometimes never drop them at all.

> **Bäume**
> "For me, trees have always been the most penetrating preachers. I revere them when they live in tribes and families, in forests and groves. And even more I revere them when they stand alone....Nothing is holier, nothing is more exemplary than a beautiful, strong tree...[W]hoever knows how to listen to them, can learn the truth. They do not preach learning and precepts, they preach, undeterred by particulars, the ancient law of life..."
>
> — Hermann Hesse, (2014, p. 7).

When a tree's biological clock and circadian rhythm no longer function properly, Goldsworthy posits the tree will eventually die and predicts similar responses in animals and humans are to be expected (Goldsworthy, 2011).

Mind in the forest. The research studies attest to a forest's mysterious power for givingness that embraces, de-stresses, and protects us all from ruin by manmade device. The feelings of uneasiness, chaos and yearnings expressed by the professors in this study flow directly from interaction with manmade devices. The research studies unequivocally show that the forest of all places on earth and even when virtually accessed, is exquisitely both physically and mentally beneficial to humans. Even a single walk into a forest can trigger an existential knowing:

One day years ago I went for a walk...with my dog. My mind suddenly started thinking about the beauty around me, and I considered the marvelous order...and timing of the growth of each flower...I remember thinking. "Here is mind". (In Hay and Nye, 1998, p. 76 quoting Marine Biologist Alister Hardy)

> "BREAK CLEAR AWAY...
> WASH YOUR SPIRIT CLEAN...
> IN THE WOODS."
>
> --John Muir
> (In Young & Fleck, 1916/1991)

The technological world of teaching law online arbitrarily pulls us into its elearning reality and away from nature. Still, the forest beckons me to virtually gather the professors and you, my reader for a collaborative existential conversation under the protective wisdom of a great tree. The same technology that tears us away from the natural settings of our ancestors offers ways to bring us back. It is through internet technology that throughout the remainder of this Chapter, I am able to offer a journey into a virtual natural reality where the Phenomenon can be viewed with fresh perspective invigorated by the healing powers of the forest. The virtual forest is the quintessential space for collaboration in which merged individual conversations might contribute a new breath of transcendent meaning upon the lifeworld of teaching law online. Realizing the phenomenological method of originary reduction, I propose to write from within this virtual medium, grasping at the phenomenological threads of the professors' individual and mutual Longing for Home.

Finding the originary reduction in the forest. Humans long to find lifeworld spaces where we can feel "at home" and "*be* what we *are*" (van Manen, 1990, p. 102). Following the method of the originary reduction discussed earlier in this Chapter

requires "orienting to the originary beginning of the phenomenon" (van Manen, 2014, p. 235). Two flashes of insight implicate my use of a virtual collaborative space in which to orient further sections of the professors' individual conversations with me: 1) Large segments of the data in transcript form seem as if the professors had spoken to one another rather than to me alone; and 2) The professors long for the online teaching experience to be more like the traditional teaching "home" within four classroom walls.

The originary reduction is not just about orientation. It is also about that moment where the phenomenon ultimately unveils its nascent truth so that, "we also gain an original sight of ourselves as humans" (p. 235). Poet, author and artist, Herman Hesse captures the longing for home invoked by a forest of trees:

A longing to wander tears my heart when I hear trees rustling in the wind...If one listens to them silently for a long time, this longing reveals its kernel, its meaning. It is not so much a matter of escaping from one's suffering, though it may seem to be so. It is a longing for home...for new metaphors for life. It leads home...Trees have long thoughts, long-breathing and restful...They are wiser than we are...Whoever has learned to listen to trees...wants to be nothing except what he is. That is home. That is happiness. (p. 6)

As the groundbreaking scientific research reviewed above shows, a forest has the unique propensity to protectively nurture those who venture into its' world: heartrate regulator, stress and negative rumination reducer, calmness refresher, pulse rate, blood pressure and cortisol levels reducer, and EMFs/EMR blocker. The forest is a place with the propensity to pare down both the Phenomenon and us into elemental Self and Other(s) so that we may more clearly experience phenomenological reflection,

hermeneutic intuition, and existential epiphany. The professors' individual expressions, much conveyed through poetic speech opens a portal for revelation that I think exceeds logical and rational examination under van Manen's five existential themes, Gadamer's circular horizons of understanding, and Downes' intuition, emotion, and evaluation criteria for identifying the existence of felt experience. I believe the virtual forest welcomes the sounds of the professors' originary voices calling out, all together.

There is already much in the professors' poetic insights presented earlier in this Chapter that transfix. Yet, what does it mean to engage in the hermeneutics of explanatory understanding if, at the same time, some of the sense of the Phenomenon's existential mystery is lost? Within the professors' individual and collective voice, there is also a calling to a more deeply shared space where the existential voice may speak not only from the domain of logic but also beyond logical domination toward an openness of Self to the Other(s) arising above and beyond the descriptive and explanatory to the epiphanic. Thus, the professors' expressed yearnings for finding an anchor in the chaos, corners, and warring spaces of the Phenomenon mark the beginning. But there can be much more. Those that experience, describe, and explain, must ultimately give way to allowing the Phenomenon to be "that which shows itself [to] be seen from itself in the very way in which it shows itself from itself" (Heidegger, 1927/1962, p. 58). We must fully move through the portal of the Phenomenon into its mysterious dwelling space lest we miss experiencing it unabashed and with clear eye. Therefore, this is an invitation to enter the virtual forest in order to catch the true spirit of the Phenomenon heard through Self and Other(s) in conversation.

Invitation To Collaborate Creatively.

The virtual forest provides a space where it may be possible to be calm enough, insightful enough, and receptive enough to creatively, collaboratively, and wisely partake of what the Phenomenon has to say. Empirical studies show that a creative task that opens freedom of self-expression can improve emotional well-being and may support autonomous expression, offering choices through noncontrolling language of instructions (Bujacz, Dunne, & Fink, et al. (2016; Su & Reeve, 2011). Creativity enables perspective (Grant & Berry, 2011) and acts as a socially accepted way to express frustration (Kim, Zeppenfeld, & Cohen, 2013).

An emergent offering of conversational lifeworld. Interpreting the Phenomenon in a mentally receptive setting lessens the possibility of Self condescension or overriding the Other's voice. It is a matter of mutual acknowledgment of the individually felt coloring of prismatically expanding horizons, a moving toward a

fusion of meanings where "at-homeness" is internally and singularly felt while at the same time mutually and externally experienced. It is an enlightened place within a transitory space conducive to sharing what it means to freshly recognize Self that has taught in the classroom traditions, (Wythe, Langdell, and Turner). It is a place to begin to unabashedly understand Self that teaches law online.

And so, I offer a virtual image of receptive "at-homeness" to free the mind for existentially motivated conversation about the Phenomenon. It is a round table deep in the forest embraced by the protective boughs of The Great Tree. Without mutual openness, loneliness may overtake (Seamon, 2012) and horizonal understanding may stagnate (Gadamer, 1960/2006). So, it is a shared space encircled by four chairs. There is a fifth chair beckoning an Other to join. It is a space of rootedness, appropriation, at-easeness, regeneration, and sustenance (Seamon, 2012). It is an immersive place calling out a mental attitude of existential receptivity. It is an invitation to gathering.
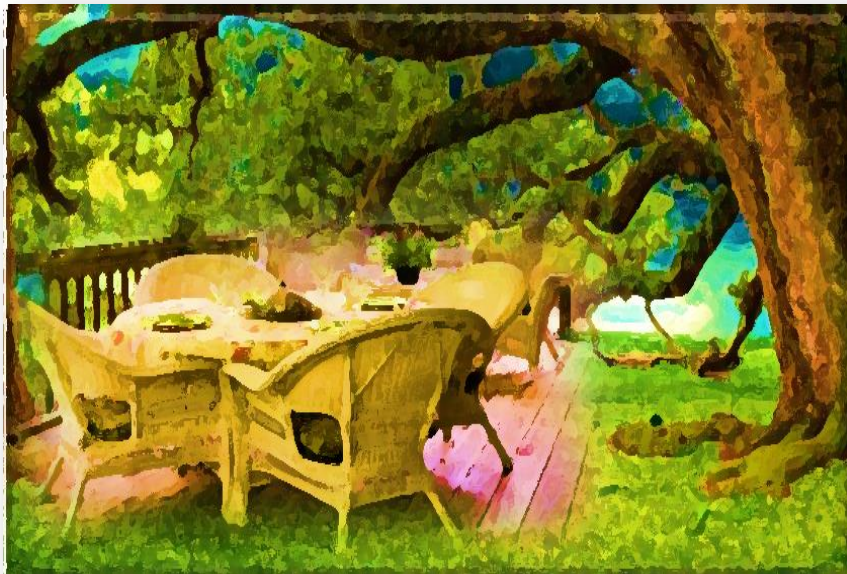
Existential receptivity vs. phenomenological experience. The level of existential receptivity that can be experienced lies beyond a troubling question: How

deeply can we vicariously and virtually becoming at home with the visual imagery and written text offered in this study when the Phenomenon is foundationally and traditionally bound within the reality of teaching law online? I think existential receptivity depends upon a transitional mind unafraid of novel or unsettling experience. Giving way to a mentally receptive attitude opens the way to imaginative and creative viewpoints.   A conversationally receptive virtuality allows the Phenomenon to speak directly and lessens the possibility that the methodology and method of the research will befuddle originary truth and vocative horizon. Gadamer (1977) notes the pitfalls of methodically appropriating a phenomenon for selfish purpose:

> The meaning of this antithesis of thing and person is found originally in the clear priority of the person over the thing. The person appears as something to be respected in its Own being. The thing, on the other hand, is something to be used, something that stands entirely at our disposal. Now when we encounter the expression "the nature of things," the point is clearly that what is available for our use and given to our disposal has in reality a being of its own, which allows it to resist our efforts to use it in unsuitable ways. (p. 70)

Lest the truth of a phenomenon be obscured, an attitude of personal giveness should prevail. Undeniably, it is difficult to subordinate a self-accommodational posture to the voice of the Phenomenon so that "the thing can maintain its own emphasis by demanding that we abandon all thought of ourselves and thereby even compelling us to suspend all consideration of persons" (p. 71). If that sense of abandoned Self can be achieved around a conversational table focused on the Phenomenon through text and

imagery, then the teaching Self, released from the constraints of pedagogic control, may reveal its true being:

> "[T]he language of things"…is not a mythological, poetic truth that only a Merlin the Magician or those initiated into the spirit of the fairy tale could verify. Rather this common expression rouses the memory (slumbering in us all) of the being of things that are still able to be what they are. (p. 72)

Therefore, through the written text of the rest of this Chapter and throughout Chapter Six, a virtual conversational space in search of true Being is offered. Entry into the Round-Table Lifeworld in a virtual forest under The Great Tree may carry us all away for a time, bring deeper, more original insights into our personal online pedagogical lifeworlds and foster existential exploration of core elements of the Phenomenon that have not yet been introduced in this Chapter.

Identifying The Elusive: Before, Within and Beyond the Portal

The virtual space beneath The Great Tree is a destination unattainable without a gateway. But what are the constructs of the Portal, gateway to the Round-Table Lifeworld? I have no ready answer. I sense the Portal's nearness. Yet, like Gadamer's ever expanding horizons of understanding, the Portal's compass and spatial power to bridge real

lifeworld with virtual lifeworld looms timeless, elusive, and obscure. "[T]he space of writing has a temporal-spatial quality of immediacy that is near and distant" (van Manen, 2014, p. 362). Within the scope of phenomenological distanciation discussed earlier in this Chapter, it is the wise Self who backs away to allow the text to both freely define its own finite appearance and unleash its own infinite horizons (Gadamer, 1977). Van Manen (2014; 2002/2016) argues phenomenological text opens up when immediacy, nearness, and distance are embraced without heed to arbitrary time and space boundaries. Drawing the Portal nearer through the ensuing text in this Chapter and in Chapter 6 may allow it to ultimately show the essence of itself.

Prominent within the concept of distanciation is the notion that "the (phenomenological) writer dwells in the space the words open up" (van Manen, 2002/2016, p. 12). However, within that writing space, the phenomenological researcher may not quite seem the real Self, as if "falling into a twilight zone...(where) the 'self' has been partially erased...where words are displaced...where anything can happen" (p. 11). Within the writing spaces of this study, precarious thoughts have often tumbled through the text, at times incongruous, always insinuating, and sometimes impetuous, sometimes daring to float away before I have the chance to write them down. To occupy this limitless yet disorienting writing space has proved to be both unpredictably exciting and exceedingly lonely.

Solitary engagement in the act of writing text cannot fully unfold a phenomenological lifeworld. It is only when the text is read that its significant reflectivity culminates. Ricoeur notes, "the text must be able to 'decontextualize' itself in such a way that it can be 'recontextualized' in a new situation—as accomplished, precisely, by

the act of reading" (Ricoeur, 1991, p. 83).   So, the phenomenological writer and the

phenomenological reader jointly occupy this zone of solitude by each forgetting Self and

submitting to "submersion in textual reality" (p.13). Yet, in order to traverse "a world

that is not one's own" the Self never really "completely (steps) out of its social, historical,

biographic being" (p. 14). Consequently, as the reader of this study, your flashes of

insight and imagination profoundly matter even though I will likely never know of them.

" [T]here is something paradoxical about the unreality of a powerful text: it can be

experienced by the writer or reader as real, as unreally real, as nearer than the

nearness that things may have in ordinary reality" (van Manen, 2014, pp. 362-363).

What echoes across your memories, affirmations, and hopes as you contemplate the

fragments of the Phenomenon's voice that I have managed to write down?   Truly, the

virtual collaborative world just beyond the Portal beckons you to share in the unfolding

of its textual meanings, "to deepen them, to enrich them, to personalize them, and to

hold them against the brightness of the living daylight" (p. 19).

The brightness of daylight shines upon each of us as we live in personal and

professional home space. In its fortitudes and foibles, that home space cradles a

personal, multi-dimensional story intimately defined by both extraordinary and mundane

what-ness, where-ness, when-ness, why-ness, and how-ness. Moreover, that story

reflects and refracts the who-ness of the Self abiding therein. The whole of these

lifelong stories, the professors', yours and mine, mantle us as we may journey through

the Portal. I cannot chart that journey alone because only you know your stories. "The

reader must write what the author forgot, overlooked, could not 'see' or 'hear' or

remember..." (p. 19)

In its ineffable illusiveness, the Portal draws us to prismatic text "that is, in effect, more real than real" (van Manen, 2014, p. 362). My goal is to open a six-dimensional virtual lifeworld born of the text that you may not have thought of before or occupied before. It is a virtual lifeworld that overflows with limitless manifestations of meanings, once-forgotten and newly envisioned, to be celebrated and carried with you as you teach online, and perhaps like W, S, and L, longing for home.

The Lifeworld beyond the Portal clarified: Spherical completeness. Albert Einstein's vision of a spherical but "closed universe" vivifies the multidimensional possibilities of the collaborative lifeworld beyond the Portal. He postulated that when space curves around on itself over time, it forms a "closed universe" with finite volume but without boundaries or edges (Center for Astrophysics, 2016). Acknowledging both the nearness and distance of gaze, he argued that if you could look far enough in one direction you could see the back of your head (Egdall, 2014; Keith, 2011).

Existential space-time and Lifeworld origins. Einstein's gaze travels full circle through time and spherical space   His gaze arcing into the distance is a prerequisite to looking near at hand. Einstein's reference to the spherical shape of seeing into space-time reinforces the perspectives I have taken in this study: Exploration of the Phenomenon that would not exist but for its origins in the legal traditions experienced by U.S. legal educators since the 18th Century. At that time, Wythe enlightened the U.S. legal world with his innovative skills-training pedagogy. In the 19th Century and for over 140 years into the 20th Century, Langdell's methods obscured Wythe's skills-based protocols with restrictive legal doctrine regimens. Then, in the 1960's, Turner revived Wythe's skills pedagogy to train paralegals into this 21st Century.

In the spherical spacetime curvature of a closed universe, when two parallel beams of light are sent out, they will ultimately meet (Egdall, 2014). Similarly, at least since Turner's innovations in the 1960's, the two parallel legal education pedagogies, skills-based and doctrine-based, have traveled in parallel. When the ABA issued mandates in 2013 and 2014 calling for heightened skills-based and doctrine-based instruction for paralegal and law students, Wythe, Langdell, and Turner's enlightenments began to converge. With the advent of digital technology, a separate set of parallel legal education pedagogies, (online teaching and teaching methods rarely used in classroom legal education), make their way through higher education at large.

Now, the two parallel sets of enlightenments, (the Wythe-Langdell-Turner-ABA pedagogy and online pedagogy) target a mutual destination and reify academic convergence. The existentially felt experiences W, S, and L express interject distinct human pathos into this pedagogical confluence. Yet, the Phenomenon's convergent space is a uniquely closed pedagogic space in which the tenants of its disciplines must be embraced and practiced with care lest the cloud of ethical demise despoil the endeavor.

Convergence and the Phenomenon's sixth point perspective. Attendant to the prospect of pedagogic and existential convergence and the serious and solemn postures the dictates of the law demand, we would be left with an illusory perspective if we only externally gaze at the Phenomenon. A closed universe cannot be visualized from the outside because such a universe has no edge upon which to perch and peer into its depths. Therefore, to experience closed universal space, visualization must take place from inside the sphere (Center for Astrophysics, 2016).

South Dakota internationally acclaimed artist, Dick Termes, paints his visualizations of what it is like to gaze from within the space of a closed universe. Termes (2016) explains:

It's like diving into another world…[I]magine you are standing inside a transparent ball suspended fifty feet above the Grand Canyon floor. You are higher than some canyon walls and lower than others. You have paints and a brush, and you begin to paint what you see on the inside surface of the ball. You paint the north face, then the east, south, and west. Finally, you paint everything visible above and below you. You move your globe to safe ground and step out to observe your paintings...Walking around the sphere, you see that you have captured the entire three dimensional landscape. In fact, you've discovered the structure of your visual experience…Each Termesphere is a revolving three-dimensional space/time exploration of an entirely closed universe…[T]hey are complete holistic visions of highly structured environments. Full viewer participation is only possible if one mentally enters the structure and becomes immersed in it. One finds that the works from the "inside" are sometimes not what they seemed from the "outside". (Termes, 2016)

Termes (2015) develops his painting on spheres (termaspheres) from a six vanishing point perspective.[125] Five point perspective places an artistic medium on a canvas incorporating five vanishing points: left, right, top, bottom, and center which produces the illusion of gazing at an 180 degree half sphere. This is the view through a fish-eye camera lens. Six point perspective then adds the other 180 degree fish-eye

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[125] In perspective drawing, the vanishing point is the spot where receding parallel lines (like railroad tracks) diminish and ultimately form a single point.

view that occurs as Einstein postulated, behind a person's gaze.   Melding the two 180 degree views completes the sphere (Termes, 2009, Termes, 2008). Two of Termes' videos demonstrate the concepts: The **first explains one point through six point** perspective. The **second explores a six point perspective** view of a town.

Applying sixth-point perspective: Longing for home. Thus far, this study has explored W, S, and L's relationships to the Phenomenon through each of their one-on-one conversations with me about the five existential themes of body, space, time, relationships, and material things/technology (van Manen, 2014). Now, we are at the threshold of a unique virtual Portal beckoning to take us into a more vividly multi-dimensional exploration of the Phenomenon: A virtual round table discussion. Science and art serve as metaphors. Applying the tenants of Einstein's spherical space/time gaze as interpreted through Termes' artistic eye, it follows that embracing only the five existential themes would leave us with only half of the virtual collaborative lifeworld experience. We would lack the gaze from behind. In both Einstein's scientific theory and Termes' artistic implementation, without the sixth point that converges behind the gaze, fully comprehending a complete spherical world, whether real or imagined, is impossible. Likewise, without a sixth existential theme that converges behind our hermeneutical gaze, the immersive experience of the Phenomenon's spherical wholeness is incomplete. But what is this sixth existential theme that may be explored beyond the virtual Portal?   As revealed thus far in this Chapter, W, S, and L's conversations awakened by the five existential themes are ubiquitously permeated by a penetratingly unshakable longing for home. Seamon (2012) identifies "at-homeness" as a component of one of four environmental themes: (1) place, (2) environmental

embodiment, (3) home and at-homeness; and (4) digital technology and virtual places.

At-homeness is "the taken-for-granted situation of feeling completely and intimately

familiar with the world in which one lives his or her everyday life" (p. 204). The five

existential themes van Manen identifies guide reflective questioning about how body,

time, space, relationships, and material things/technology are experienced with respect

to the phenomenon being studied. Likewise, Seamons' four environmental themes

guide reflective questioning about how place, bodily environment, home and

digital/virtual place are experienced in everyday life.

Yet, the dilemmas W, S, and L have identified in their conversations with me are

chronically embed with a sense of loneliness born of the struggle to survive both the

existential and environmental chaos of

the online teaching Lifeword. This is

loneliness rising up out of the absence

of homeness. The felt absence

mutually flows as yearning for the

familiar, the taken for granted, and the

everyday: The longing for place

remembered where classroom and personal room shared adjoining space, time, and

bodily attention. Therefore, for the purposes of this study, Longing for Home enters as

the sixth existential theme.

Validating the Adventure

Longing for Home within the embrace of the Phenomenon portends

reciprocative adventure: Through the Portal into the shelter of the virtual forest...Around

the collaborative table...Moving beyond and back again. My proposed exploration of Longing for Home seeks to illuminate existential meanings inevitably and enduringly converging behind our gaze but not previously contemplated in this study. Thus, my proposed exploration of Longing for Home meets the validation criteria for a phenomenological text. A phenomenological text is valid where "a particular individual or group (is) studied for the understanding of a phenomenological theme" (van Manen, 2014, p. 350). Law professors are the group. However, initial emphasis on W, S, and L's collectively voice would have subordinated deep inquiry into each individual professors' existential experience. So, W, S, and L's conversations with me were studied individually in the early pages of this Chapter and now will be studied collectively.

While hermeneutic phenomenology does seek out commonality within thematic experience, it concomitantly seeks to illuminate the facets of personal, direct, and primitive contact with the lifeworld perceived through individual consciousness. On its own, a lifeworld phenomenon generates an endless number of realities subject to "many paradoxes...(where) experience is always more immediate, more enigmatic, more complex, more nuanced, and more than any description can do justice to" (van Manen, 2014, p. 242).   And when that experience evocatively calls each of us out, we are freed to "listen to the things that are before us, that have a hold on us" (p. 250).

Accordingly, the only reality each of us knows about the felt experience of teaching law online, (or contemplating teaching law online), is the singular reality of our uniquely individual experience. I cannot presume to define individual perceptions of the Phenomenon for each legal educator merely through collective researcher machinations

and W, S, and L's images, descriptions, and interpretations. We all harbor differentially

infinite interpretations just as the over 660,000 images on pixabay present endless

thematic possibilities that can be rational, nonrational, provocative, epiphanic and

wondrous.

Rationality, provocative epiphany, and wonder.   A phenomenological

message can be both nonrational and rational. Phenomenology's simultaneous

description of singular experience (the nonrational) and generalized grouping of

singular experience(s) (the rational) creates an unresolved tension since

"phenomenology can only provide plausible insights...(and its) general insights...may

not be applicable in concrete individual situations" (p. 281). Through the rationality of

systematic exploration, phenomenology attempts to generalize meaning structures of

phenomena. In this study that means W, S, and L's felt experiences can be viewed in

a composite voice.—The generalized story of the human experience of transitioning to

teach law online under each of the existential thematic perspectives, (body, space,

time, relationality, materiality/technology, and my addition, longing for home).

The role of resonance.   However, no distilled composite can occur under any

of the existential themes without phenomenology's co-existent nonrationality which

"tries to find expressive means to penetrate and stir up the prereflective substrates of

experience...to create a sense of resonance in the reader" (van Manen, 2014, p. 240).

Through the occurrence of resonance, the reader may recognize the experiential

plausibility of a phenomenon's moment or event. However, the presence of resonance

does not mean that the reader ever personally experienced those moments or events

(Id.).   One can mentally and emotionally resonate with the vocative poetic images of felt

online pedagogical experience as metaphorically portrayed under the bodily and spatial themes of "In a Corner of a Room", (Professor L), or hangers chaotically strewn on a floor, (Professor W) , or crawling into the computer, (Professors S and L). As their stories unfold through both verbal and color imagery, the professors empower the vocative from which the resonance flows as catalyst for this study's text.

The role of provocative epiphany. A "strong vocative text tends to provoke actions" (van Manen, 2014, p.281). Provocation to action invokes epiphany. As a philosophical methodology, phenomenology "cannot help us to know the inner lives of particular persons (but) only focus on phenomenological understanding of possible human experiences (p. 282, emphasis added). Yet, at the level of day to day teaching online, a law professor "needs to know, as well as possible, how...(he or she) experiences a specific moment or special incident" (p. 282). If this study' explorations are sufficiently resonate to provoke action, (e.g., a law professor implementing new insights about the individual learning experiences of their students), then some measure of personal and professorial existential growth and insight sufficient to apprehend and enrich pedagogical and student experiences must actively precede that resonance.

Thus, the challenge of the phenomenological method is "to make explicit meaning that is felt and grasped at the core of our being" (p. 283). The caveat is that phenomenology's general insights may not apply "in concrete individual situations (because) [p]eople differ in the way they experience things" (p. 281). Explicit meaning is felt and grasped individually, and only the individual who has personally felt that meaning can act upon its specificity. Van Manen emphasizes that only when the phenomenological understanding of a possible human experience and the

psychological understanding of a uniquely personal experience "are provoked and grasped together" (p. 282) that the provocation can yield an epiphany.

The role of awakening. An epiphany is an awakening, an existential encounter with truth, an unexpected moment of intense insight into the very core of life's breath, an extinction of casual gaze. An epiphany may initiate rare, quiet, and niggling. An epiphany may whisper at the heart and soul of conscious Self. An epiphany may loudly herald innovation greater, more proud, and more powerful than the middlingness of reality. An epiphany may unexpectedly transform, raw and combative, into a pesky rogue to shatter personal complacency and lazy compromise. No matter what the truth or intensity of the awakening, an irrefutable paragon sustains: There is no such thing as a vicarious epiphany.

It is the personal nature of the awakening and the personality of the epiphany itself that may prove to be existentially life-altering. So, whether an epiphany ultimately occurs or not, a phenomenological text must embrace the precursors of the awakening. Van Manen opines that the stirrings for the provocation of awakening occur through the text's ability to "infect the reader with a sudden realization of the unsuspected enigmatic nature of ordinary reality...(where) [w]onder is that moment of being when one is overcome by awe or perplexity...when our gaze has been drawn by the gaze of something that stares back at us" (van Manen, 2014, p. 360).

For Gadamer (1960/2006) the infectious provocation that stares back at us abides in the horizon of human understanding. Understanding " is a genuine experience (Erfahrung)...an encounter with something that asserts itself as truth" (p. 483). Whether epiphany is forecasted by quiet musing or sizzling insight, it wears the

same cloak of human understanding so that "the reader (is) taken, touched, overcome by the phenomenological effect of a reflective engagement with lived experience... (that) appeal(s)... to our cognitive and noncognitive modes of knowing—to immanent and transcendent meaning" (pp. 390, 391).

The power of play. However, Gadamer warns that achieving this encounter with the horizon of true understanding and the opportunity for epiphany does not manifest through passivity but rather through getting into the game, that serious domain of play which opens the possibility for an individual absorbed in the play to finally discover universal truths about a phenomenon. "[P]lay...(is) a process that takes place 'in between'...(and) does not have its being in the player's consciousness or attitude, but on the contrary play draws him into its dominion and fills him with it's spirit" (pp. 108-109).

As discussed earlier in this Chapter, being outside the Phenomenon's sphere stagnates in a unidirectional observation-only gaze while being inside the sphere evokes a six-dimensional, participatory gaze.   Personally entering the game in this study transforms gaze. Play unblocks spherical opacity so that gaze unfettered, sees the inner happenings in the Lifeworld sphere. Merely peering into the unfolding virtual collaborative world in the remainder of
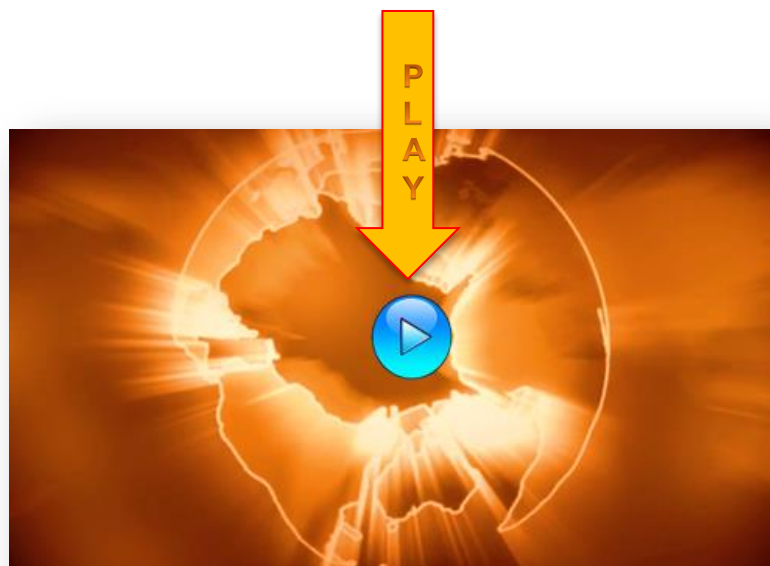
this Chapter and in Chapter 6 denies Self opportunity to go beyond intuition toward provocative space in-dwelling. "Play fulfills its purpose only if the player loses himself in play" (Gadamer, 1960/2006, p. 103).   And so, in the spirit of serious play, I invite you to lose Self to the seriously playful adventure before and beyond The Portal.

Before the Portal: Walking toward green-space. This is the time to cast aside any remaining notions of being primarily an observer. This is the time to breathe and
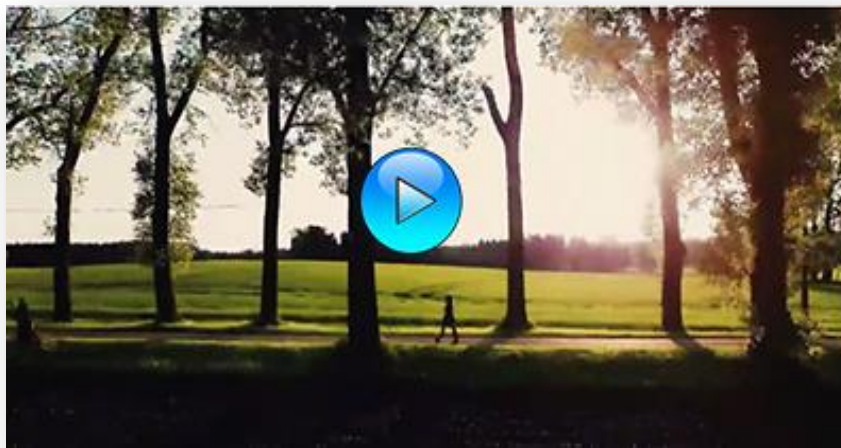
walk away from online teaching stressors. This is the time to walk contemplative and spirit-full, toward the protective forest.

Stepping away into the virtual gains facticity in the real. The virtual world just beyond anticipates the compass of your personal journey, your Self and your Other(s).

Just as W, S, and L's evocation of experience within the Phenomenon has been heightened by seriously playing with color image visualization, **pixabay** is freely available for you to play along. "In order for there to be a game, there always has to be, not necessarily literally another player, but something else with which the player plays" (Gadamer, 1960/2006), p. 105). That "something else" can be six images as metaphors for how you personally and professionally experience time, body (Self), space, relationality (Other), material things/technology, and any longing for home you feel.

These tacit visualizations are your private evocations of the six existential themes, the personal affirmations of your six perspectives, the emergence of the enveloping sphere: its withinness, aroundness, and throughness applicable to your day-to- day and pedagogical online Lifeworld. Moreover, selecting six images will open an opportunity for joining W, S, L, and me in virtual, verbal, and visual play. "The weight of the thing we encounter in understanding plays itself out in a linguistic event...a play of words playing around and about what is meant...where we, as learners...rise to the understanding of the world" (pp. 483-484).

  Original Self: Looking backward and forward. Understanding presupposes finding. Finding presupposes searching. Philosopher Guy Finley (2011) asks, "What is the nature of that place where our original self is one with its longing to explore its own deepest possibilities...?" (p. 3). The nature of virtual spatiality in this Chapter lies beyond the Portal through journeying into the deepest possibilities of its beginning, it's middle and it's end. Life, wonderfully strange, pulled both backward and forward into time. Life in its Self, embryonic in innocence, oblivious of future, transported away from Now. The search for the Portal, the bridge, a collaborative table under the forest canopy invites tracking backward and forward.— Back to when Self and Others were young and unafraid.—Forward through the Portal to collaborative adventure...

_____

  Americana, 1952. A search into childhood memories "...both backwards and forwards…(to) illuminate the present" (Bentley & Butler, 1988, p.11).   [A]n exercise in reminiscence...is an active ordering and shaping of events so that one sees not only a beginning, middle and end but also beginnings, middles and ends" (p. 11). The early

1950's marked the end-times of steam locomotives. Chugging black brutes unaware of eminent demise. Insistent whistles intruding into sleep, gray smoke spouting old frontier dreams. Ancient iron beasts inextricably binding tradition, early innocence, and essence of maturity.[126]

<p style="text-align: center;">*******************</p>

My grandfather: fresh-starched ticking cap, overalls shoulder-hiked over red plaid shirt, bandana square-knotted to the side. Santa Fe Engineer, he'll make the Dodge City run tonight, turn around tomorrow, and steam back to Newton Station.

...To be inside this steamy black cavern where the [locomotives spin around](.)[127]

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[126] Steam locomotives bound for extinction in America's early1950's played a profoundly dominant role in my early childhood growing up in Kansas.   At the time modern diesel trains made steam locomotives obsolete, future paralegal educator Lee Turner launched his law career upon graduation from Kansas University Law School in 1952 (Paget, 2013).

Station Roundhouse, Newton, Kansas.
[127] Photo Credit: Harvey County Historical Museum & Archives

We watch the beast idle, firebox venting acrid fumes.
Grandfather holds me tight,
his worn leather glove, crackly on my hand.
With lurch and screech, the lazy turn-around begins.
The engine slowly noses away,
circling back from where it has just come.

Grandfather pulls a great gold watch from his bib pocket,

"Right on schedule, Sam. Engine set.   Enter Bay 5."

The turntable swings the engine round but past the opened bay!

"Whoa, Sam! Failure to engage! Switch to Bay 1! Failure to engage! Bay 4, switch on!

"Runaway switch, Sam!" Cut the power! "Runaway engine!" "Open all bays!"

Big, black, and smoky,
the Thing spirals up
out of sight,
and disappears…

Approach

Puffing steam, an idling giant shakes its tracks.

"Free tickets. Free tickets to Bridgefield!"[128]

Five approach. Four take tickets.

"All aboard for Bridgefield!"

Away InTime

Iron grinds hard on steel.

Speed gives way to rail.

People wave, fading back,

Shadows out of sight.

Colors in full tilt,

Panoramas fly,

Gaze shuts out the light.

Landscapes hum a lullaby;

Time as breath

Upon a dream unseals;

The ever-turning,

Turning of the wheels.

---

[128] Bridgefield, a fictitious destination, does not refer to any particular city, town or landmark in the whole of the United States.

"Bridgefield! Next stop, Bridgefield!"

The whistle blares. Long-long-short-long.

Clutch the whistle lever! "Sound for

crossing." Long-long-short-long. "Last

crossing before Bridgefield!" Long-long-

short-long. Inbound toward destination,

invitation, conversation.

"STOP AT BRIDGEFIELD!   STOP THE TRAIN!"

Station stop braking: *Ring bell for station. Handle to "on lap" position. Move*

valve handle to service stop position. Engage whistle. Signal the station. Long-

long-short. Signal station again. Long-long-short. Discharge 8 pounds pressure.

Restore handle to "on lap" position…repeat braking sequence…Long-long-short.

"Braking incomplete!   Repeat sequence!"

Long-long-short. Coasting in…FULL STOP. (Catskill Archive, 2016).

"Engineer, bring to stand-by."

Close throttle and pin…center reverse lever, apply independent brake…reduce

automatic brake valve to 20 psi.

"Brakeman, set wooden chocks to drive wheel."

Open cylinder...leave steam chest relief valve open. Turn off headlights. (NNR,

2011).

The Portal traversed. Train on stand-by. Distanciation complete.

Dialogical Voices: Relationality, Materiality and Technology.

The virtual collaborative conversation that is about to begin moves reader perspective in this study from one of Self interacting with the text to Self interacting with Others as revealed through the text. This is the purview of dialogue. Gadamer urges that the true existence of Self governed by self-understanding gained in conversation and actively affirmed is inseparable from the manifestation of truth through dialogue (Barthold, 2015). "To reach an understanding in a dialogue is not merely a matter of putting oneself forward and successfully asserting one's own point of view, but being transformed into a communion in which we do not remain what we were" (Gadamer, 1960/2006, p. 379). There is an existentially felt collision and cohesion between professor/student relationality and the existentially felt materiality and technological "things" of the online teaching lifeworld. W, S, and L's individual conversations with me are filled with both hermeneutic Self-interpretation and description of materiality-bound and technology-bound existentially felt experiences.

Barthold (2015) identifies Gadamer's four keys to finding the existential Self and Other through active dialogue: 1) <u>Focus</u> on the subject matter; 2) <u>Hear</u> the Other; 3) <u>Voice</u> personal reasons and justifications; and 4) <u>Adopt</u> a spirit of humble playfulness. Below, I have adapted Barthold's interpretation of Gadamer's four-fold keys to dialogical understanding in effort to better explore the inter-connectedness of W, S, and L's existentially felt responses to Relationality, Materiality, and Technology (RMT):

RMT CONVERSATIONS:	FUSION OF DIALOGUE AND UNDERSTANDING	
ACTION	**METHOD**	**PURPOSE**
FOCUS on RMT subject matter	**AVOID** debate tactics **LOOK** beyond the subjective Other	**MOVE TOWARD AGREEMENT**
HEAR Others speak about RMT	**EXERCISE** new openness toward RMT	**CONNECT** Self & Others
VOICE personal views about RMT	**REASON** willingly	**OPEN UP** to Others' views
ADOPT a playful & humble spirit	**COMMIT** to Socrates' "I know that I know nothing about (RMT)"	**LOSE SELF & OTHERS** in connective play

The prelude to dialogue begins...

To walk a bridge amid bright fields

To hide a driver's cap behind a stone;

To see beyond, across the trees

Into horizon's breadth unknown

Far away, then closer still,

Calls echo in the breeze...

"Who was that engineer?"

No answer.

"What a trip to Bridgefield station!"

No answer.

A ticket waves overhead.

"No one took my ticket."

Three more raise tickets in the air.

Or, are they invitations?

Indwelling collaborative virtual space. As related earlier in this Chapter,

empirical research reveals virtual images of nature produce positive physiological and

psychological effects. —Outcomes that reinforce my offering of a deep forest as

destination for virtual collaborative conversation. However, the role of negative

physiological and psychological effects should not be subordinated. As described in

Chapter 4 and earlier in this Chapter, the epoché harbors some negative aspects that

try to "get to the meaning structures of our experiences" (van Manen, 2014, p. 215).

Through reflection about personal prejudices related to the Phenomenon in this study,

W, S, and L express negative feelings of uneasiness, chaos and yearnings for home

within the online teaching experience. According to the epoché and reduction method,

until we come to terms with personal static, (i.e., personal presumptions,

understandings, and reliance on scientific explanations), which detract from truly seeing

and experiencing a phenomenon, the "reduction" that leads us back open-eyed toward

embracing a phenomenon cannot be positively experienced (Id.). Two recent

groundbreaking studies have tested how negative emotions affect cognition. Taking the

results of the two studies together, it may well be that not everyone benefits from

exposure to calming virtual environmental images.

In the first study conducted at Brunel University (Szameitat, et al., 2016), researchers found that negative emotions and anxiety impair cognitive performance during multitasking. The researchers used functional magnetic resonance imaging (fMRI) to test brain activity during multitasking. Research results yielded that higher levels of negative emotion and anxiety cause lower activation of brain areas responsible for multitasking. Noting the study as the first of its kind, the researchers concluded impairment is likely to occur when people experience greater levels of negative emotions, anxiety and related stress.—The combination results in multitasking efficiency limitations (Id.).

In a second study conducted at Providence College and the University of Arizona (Newman & Brucks, 2016), researchers generally concurred with the scientific consensus that exposure to virtual natural settings positively benefits humans. However, the researchers' innovational testing revealed that only study participants with proclivity for low levels of negative emotion and anxiety cognitively benefited from exposure to calming virtual environmental images. Conversely, participants harboring high levels of negative emotion and anxiety reaped greater cognitive benefits when

exposed to virtual images of bustling urban environments. The findings suggest that for people more prone to negative emotions, external anxiety evoking cues may help distract focus from inner

turmoil whether the cues derive from virtual urban or natural images.   Individuals low in negative emotions and anxiety may not only cognitively benefit from images of calm, natural environments but also from calm urban environments. On the other hand, individuals who intensely harbor negative emotions may cognitively benefit from anxiety-invoking environments in both urban or natural settings (Id.).

These studies suggest personal levels of negative emotion or anxiety may affect cognitive focus on the impending collaborative discussion in the virtual forest.   In order to assess your personal threshold for positive or negative emotions or anxiety that may affect cognition, you may want to experiment with alternate locations or additional components for your personal visualization of the virtual round table as you select images from **pixabay.com.**   While the EPQR-S, (the standard test measuring levels of negative emotion and anxiety), is not available free online, a short emotional assessment quiz is available.[129]   According to the Providence College/University of Arizona study, interjected anxiety cues such as a roaring lion invoke greater cognition in individuals with a proclivity toward high anxiety and negative emotion. In any event, whether cognitive powers thrive in the midst of

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[129] Psychologist World provides a free online 20 question quiz to self-evaluate negative emotion and anxiety:
https://www.psychologistworld.com/influence_personality/fivefactortest/neuroticism1.php

urban chaos or forest tranquility, the positive affects of sound introduced into virtual environments can be physiologically measured. Two Swedish studies suggest virtual sounds of nature have powerful calming effects within a virtual nature setting.

Destination sounds.   A study conducted at Stockholm University (Annerstedt, et al. (2013) compared the effects of a pleasant natural sound environment, (a fountain and bird calls), and less pleasant urban sounds dominated by noise, (a heavily congested traffic way), on rate of physiological recovery after solving arithmetic equations. The study found those exposed to the fountain and bird calls physiologically recovered more rapidly from the stress of solving the equations than those exposed to the urban traffic noise (Id.). An earlier study conducted at the Swedish University of Agricultural Sciences (Jesper, Stefan, & Mats, 2010) first gave subjects a virtual stress test and then measured physiological recovery in two different virtual natural environments (one with nature sounds, the other without nature sounds). A control group was not exposed to either virtual auditory nor visual nature environments. Upon collection of cardiovascular data and saliva cortisol, researchers found that the group subjected to sounds of nature and a virtual natural environment showed positive stress recovery markers. Conversely, the group that recovered viewing a virtual nature environment without sound as well as a control group displayed neutral stress recovery. This suggests that virtual reality which includes both visual and auditory components has a positive effect on stress recovery (Id.).

Will the sounds of the forest enhance your sense of calm and well-being during our virtual collaboration? Many nature sound videos are available on the internet through youtube. For example **"Morning in the Forest"** provides over one hour of

forest sounds. Also, "**The Enchanted Forest**" provides over one hour of bird songs and forest ambience.

The path into the forest

Five walk toward a gnarled old tree, long growing deep in the woods. Leaves rustle. Branches bend in embrace. This forest is a place long-remembered, rooted in the beginning of knowing. In the swing and sway of old law's contrapuntal strength, solemn convocations whisper along history's path. A fragile cradle: new, old, shielding law's ancient maturity from a blistering world. Within this harbored space, existentials beckon to invoke the power of Lifeworlds' spheres...

We have traveled through The Portal to collaboratively contemplate new aspects of the Phenomenon. In order to enter into "the virtual space that the words open up" (van Manen, 2014, p. 358), the same Legend provided earlier in this Chapter applies to the merged material below taken verbatim from transcripts of my real-world conversations with W, S, and L:

Text Format	Meaning
Text *italicized* with identifying initials W, S, or L	Professors' verbatim quotes
Text *italicized* with identifying initial C	My verbatim quotes
Images identified with initials W, S, or L	Professors' images from pixabay
Images identified with the initial C	My images from pixabay

Transitioning Experience's

Innermost lifeworld

...Four of us at the table,

A fifth chair invites;

A suitcase in repose—

visible, closed, latent.

Images spilling,

colors shimmering.

Listen from your heart...

     RMT and students anonymous. The professors contemplate how the fused existential themes of relationality, materiality, and technology ("RMT") impact felt-experience in online instruction. A dominant component of W, S, and L's conversation about RMT focuses on how students may use the anonymity of asynchronous elearning to accost an instructor in writing. Professor S begins the conversation stressing personal identity— the antithesis of anonymity:

MAKING THE CONNECTION

Not because I want to be friends
Connecting…the bigger scope of life;
On both sides of the computer
You don't know…expectations--
Never met a person on the other side.

You don't know…language
how they're judging…
how they're interpreting
Your reaching out, Your actions,
or speech, or words.

On both sides
Everyone brings
Their own humanity to it.

–S
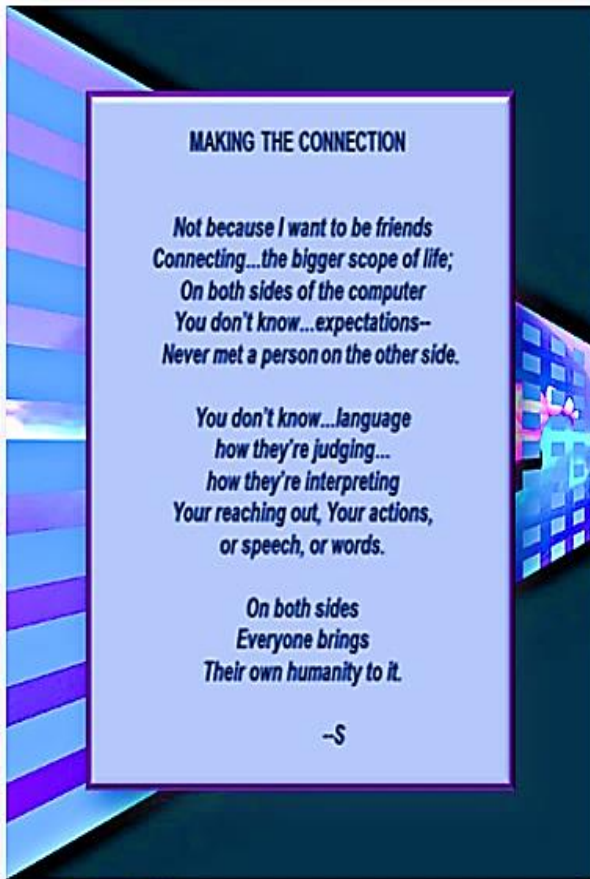
S: *I always start every semester telling my students that I'm not a robot. That I do sleep and I do take breaks for meals….I try to convey the fact that I'm human.*

C: *Do you have any recollections…where you…really noticed you're feelings are…very much on a surface level?*

L: *[T]he first thing that struck me in online teaching: Students felt like you couldn't see them…you didn't know them, and they could lambast you…online. I remember this one student was really upset about an assignment and said in a posting online, "Well, you've been a lawyer for this many years. I don't know how you could expect us to know it." And went on and on and on. I had a colleague that had the student in the classroom. I asked about him. She said, "That student has not spoken a word the whole semester."*

C: *It sounds like…the student felt that he was anonymous. How did you feel about that?*

L: *They get brave when they get online. We call them new millennium students…[T]hey will argue with you.*

S: *[M]y first semester teaching in this…program, I wanted to respond right away because I was new… So I would answer right away. Sometimes there'd be typos, responding on my phone. I would get students complaining that I was so unprofessional. On my side of the computer, I'm*

saying, "I thought you wanted to hear from me right away. I thought you would appreciate that I was helping you." My intent was to be helpful.

L: *I think the teacher needs to respect the students, and I think the students need to respect the teacher. [T]hey get brave when they get online…*

RMT, online connection and disconnection. We discuss the power of digital presence, professional fragility and personal loneliness experienced when connecting with students online:

S: *This picture of the keyboard. Instead of "enter" it (says) "connect"…[T]hat's where it happens: When you hit that mouse or the left click button or on your mouse pad. If you use it to hit send on...email (or) submit on a discussion post, it's just as transient as the internet and online activities are.*

L: *The connection between the teacher and the student, I think it is pretty much a two way, equal two way thing.*

C: *[W]hen you…hit that "connect" button, you really are connecting on a very human level..rather than…on just an intellectual mental level.*

S: *It's so permanent once you hit that button. [W]hether you were finished with your thought or not, as soon as you hit that button, you have connected it. You have sent it to your student or you have posted it…There it is. Most of the time you can't undo it. [E]very time you respond almost instantaneously…you're…encouraging, "Hey, I'm always available*

and I will respond to you right away…I have no boundaries." [I]t's a balance and…learning thing …I wanted to reassure them that I will answer questions right away. "Don't worry. Don't panic. I'm right here."

L: *I do not believe that the instructor online or in the classroom…is the dominant figure…I think there should be an interaction.*

S: *[H]itting the "connect" button, the "enter" button, the "submit" button…there's always that thought of "Is this what's best for a student?"*

> **RMT, checking out and cheating.** The actual prevalence of academic dishonesty in higher education elearning is largely unknown. But a high number of students cheat in classroom-based courses, and student response to online situations is typically similar to response in classroom situations (Black, Greaser, & Dawson, 2014). In the study conducted at the University of Florida, researchers surveyed 1068 undergraduate students enrolled in 12 online psychology courses. Research data indicated that 81% of the students felt cheating in their online course was no more prevalent than cheating in a classroom-based course. In an earlier study (Kennedy, et al., 2000), researchers surveyed 172 students who were taking both online and face to face classes. Data showed 57% of the students believed cheating was easier in online classes, leading the researchers to conclude a distance learning environment promotes greater opportunities for academic dishonesty than traditional learning environments (Id.). In any event, there is cause for concern because students cheat at an alarming rate in the classroom (Black, Greaser, & Dawson, 2014). Moreover, for students who have the money to pay for it, some online services afford the opportunity to completely check out: The digital cheaters for hire assume student identities and take entire classes online while assuring the "checked-out" student an excellent grade for their

money (Newton, 2015).   Professor W and Professor L express feelings of consternation about online students who fail to turn in assignments, obvuscate actual log-on time in a course, and cheat on tests.

> **L: *[P]robably my biggest bugaboo about online education, and I'm probably a little paranoid here, it's (the) opportunity to cheat. I have caught, at least five times, students cheating…on online exams…***

> **C: *Isn't that an age-old problem? Hasn't that always been a problem where assignments are done sometimes by other people?***

> **L: *We do have a mechanism that shows where they are taking the exam…You see that they start the same time and finish it the same time, same location. I had two students…(I knew these guys in the classroom and they were always together). One of them finished the (mid-term) exam in… 55 minutes. The second one was a little bit brighter—did the exam in…the last 7 minutes….of the 60 minute period. So, they were sitting there together. The first one did it and the second one…took…only 7 minutes to copy off the answers…I called them in. I said, "This is my standard speech that a number of things…could happen. You could be expelled. You could be kicked out of our program. Or you could get lucky and just get a zero on the exam."***

> **C*: Lucky...day!***

> **L: *At least we can scramble the questions on our exams. Can't be on their phone talking to their buddy saying "Well was that A, B, C, or D on question number one?"***

> **W: *The…thing that really sticks in my mind…that happened throughout the online teaching was the feeling of greater responsibility…to students who checked out… [O]nline…you can tell when they've checked out. And you can nudge them a little more directly…I don't make any effort to tell in a big***

class whether students are checked out or not. Online you can't help but notice.

C: *Well, in a sense, they're called on all the time.*

W: *Exactly. [O]ne (online) student... wasn't doing the work...just checked out. ...So, I had to worry about it...I found out way more about the student's personal problems...than I otherwise would have and made way more effort to...accommodate those problems and make it possible for this student to succeed. Which never happened...it just never happened.*

L. *I think that online will bring out some personality traits that you would not see in the classroom. I really believe that...They're much braver online than they are in the classroom. Our platform will tell us when people have logged on, how many times they've logged on, how many hours and minutes they've logged.*

C: *Or at least someone has logged on...You don't know if it's them logging on...Or did they just turn it on and go off and watch...TV?*

L: *If you really check it out, they have logged on 27 times and they've spent two and one-half minutes total...[T]hey're logging on and logging off just to show they are logging on.*

S: *I feel like (students) are all everywhere...Moving in different directions.*

L: *They know all the tricks.*

As W, S, and L relate felt experiences in regard to relationships with students, the poetic voices heard earlier are subdued. Ambivalent feelings of disconnectedness, loss, and disappointment surface when recalling students that use the online platform as a shield for anonymity, cheating and "checking out". The existentially charged space around the table seems depleted. Even so, Professor W surprises by interjecting the notion of a symphonic dirge to express longing for classroom "home".—

RMT and W's symphonic classroom. Professor W experiences dissonance during asynchronous instruction as opposed to feeling a measure of symphonic harmony when teaching in the classroom:
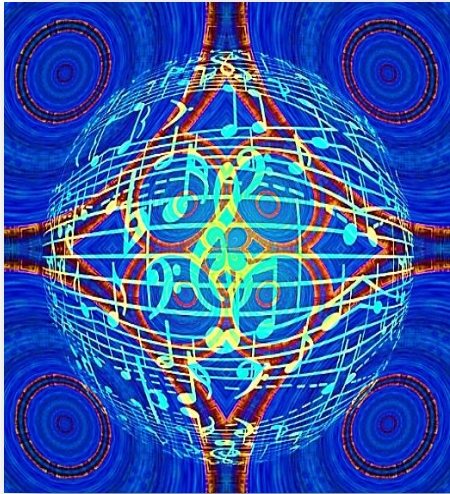
C: *When you pulled up (online) responses from your students…How did you internally feel…dealing with these writings?*

W: *I felt disappointed… [I]t's like…directing an orchestra when you are in the classroom. The students are the instruments and you are trying to get them all singing on the same page……[I]f they haven't done the work, I just leave them and go to someone else. What I'm trying to get out of the classroom is a good scale.*

Music as metaphor. In arts-based research practice, qualitative studies may use music as a thematic element to decribe participants' lifeworlds or play recorded music to evoke participants' felt experience (Leavy, 2009; Daykin, 2009). What has happened in this study is strikingly different. I played no music for any of the professors during our one-on-one conversations. The six existential themes contain no musical elements. Yet, the sixth existential, longing for classroom home, powerfully predominates. Professor W spontaneously articulates the image of a symphony as a powerful metaphor for experience felt squarely within the existential theme of relationality tempered by the existential themes of materiality and technology.

Liora Bresler (2005) posits that the dimensions of music can act as metaphors for describing and interpreting social experience. "[M]usic is a fluid art form that bears similarities to the fluidity of lived experience" (Bresler, 2005, p. 170). Bresler's

conceptualization includes the musical dimensions of form, rhythm, dynamics, timbre, melody, polyphony, and harmony. In Professor W's instance, music as metaphor positions the law professor in the role of symphonic conductor with variable power to control the dimensions of student learning. During classroom instruction, the "conductor" controls all aspects of the learning process to the benefit of hearing meaningfully learned "scales". In addition, the metaphor for the musical dimension of polyphony is present: "*The students are the instruments.*" The metaphor for the musical dimension of form is present: "*...all singing on the same page...*" The metaphor for the musical dimension of harmony is present as the tension between harmony and disharmony: "*...trying to get out of the classroom...a good scale.*" But if students are out of rhythm or out of tune (disharmony) because "*they haven't done the work*", their "sound" is silenced: "*I just leave them and go to someone else.*"

When I ask W how the musical metaphor applies to online instruction, W replies in somber tone:

> **C:** *Your metaphor about musicians....[I]n an asynchronous class, what's your sense of them as musicians?*

> **W:** *When I interact with them online, to continue the metaphor, I can tell much better whether an individual student has been practicing his scales or not. Online, I'm not getting better scales. I can't do anything about it except provide help and support and guidance.*

Thus, when W discusses teaching law online, the metaphor for a dirge-like musical form and rhythm dominates: The conductor has lost control. There is no longer a symphony of players but only a one-on-one encounter with each individual student's online posts, making learning achievements (or inadequacies) starkly obvious: "*I can*

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tell much better whether an individual student has been practicing his scales or not".

The lament "*Online, I'm not getting better scales..."* is followed by the resigned tone: "*I can't do anything about it..."* and finally cadenced by a cathartic afterthought "...*except provide help and support and guidance..."* The timbre of the metaphors proclaims that the baton cannot be raised to direct the learning because the conductor has been reduced to an asynchronous player, albeit an enabling one. W's symphonic metaphor not only presents an authentic musical voice but also calls up the Phenomenon's six existential themes in ways akin to the spherical six-dimensional structures espoused by Termes and Einstein...

Vocative voices from the sixth existential perspective. As disclosed early in this Chapter, W previously expressed existential feelings experienced from a physical position in real office space. W's gaze was <u>focused into</u> the Lifeworld sphere not <u>from within</u> the Lifeworld sphere. W's symphonic metaphor now transposes W the "conductor" to a vocative position at the center of the Phenomenon's existential core. Meanwhile, the students as Other(s) occupy playing space reminiscent of the typical half round of an orchestra as depicted in the image above. The sixth perspective enables the conductor to gaze behind as well as forward, left, right, above and below. But the conductor can only see in all directions in one of two ways.— Either the professorial "conductor" turns

around to acknowledge accolades for performance or relinquishes the baton and becomes a player, leaving the empty conductor podium void of pedagogic control. [130]

The professors bemoan relinquishing the "baton" of Socratic questioning

"The internal structures that create...voices separately must contribute to the emergent structure of the polyphony, which in turn must reinforce and comment on the structures of the individual voices. The way that is accomplished in detail is...'counterpoint'."

—John Rahn (2000, p. 177)

(pedagogic control) within the online venue. Much of their consternation appears to pertain to synchronizing the asynchronous platform with andragogical teaching methods, (although none of the professors use the word "andragogy").[131]

Existential counterpoint. As they debate andragogical and pedagogical instructional outcomes, the professors' expressions of contrasted felt experience between classroom instruction and online instruction take on the cadence of a counterpoint, (e.g., voices with strongly independent identities that sound at the same time). I have captured a portion of this contrapuntal virtual interchange in the schematic that follows. W, S, and L's independent voices are delineated by color

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[130]The "audience in the round" is uniquely symbolic of aggregate ability to see all six of the Phenomenon's existential themes. As Termes (2016) notes, when occupying the apex of a sphere, the sixth perspective (that only the artist can see) always remains elusively obscured behind the viewer. In contrast, the concert audience entirely encircling the symphony orchestra gazes into all six perspectives.

[131]I discussed andragogy and the application of its principles to teaching law (Bloch, 1982) at some length in Chapter 2. Briefly, Malcolm Knowles' andragogy (1984) emphasizes self-directed instruction that enables adult learners to discover concepts, skills and applications for themselves with the instructor providing guidance and assistance when mistakes are made.

coding. Simultaneous voices in an antithetical polyphony interweave sub-themes of relationality in the classroom and relationality online:

COUNTRAPUNTAL VOICES

Color Codes:	Professor W	Professor S	Professor L

IN THE CLASSROOM...	ONLINE...
A teacher is more than just an advisor or a guide or assistant.	I hear so many complaints: "There's so many bells and whistles...I don't know which end is up or down."
I'm looking at them in the eye.	You just don't see the reaction.
...get the students thinking about (the law) in (a) new way.	...(students') opportunity to be more resourceful and find...answers in other ways.
[Q]uestioning is designed to elicit a particular response...that will reveal issues.	Online, it's them. It's on them.
I feel more free to say, "We had one shoe bomber that failed, and now we all have to take our shoes off at the airport."	You just don't see the reaction.
I could very, very quickly correct misconceptions or force deeper analysis.	[D]o I want to foster...an expectation of, "Sometimes you have to wait?"
I feel more free...	[I]t is much harder...through technology.
A student could theoretically not be prepared day after day after day and I might not notice.	[O]nline you can tell...It's on them.
I feel more free to say, "We've had 300 children killed, and what have we done about guns?"	[I]t is much harder...in asynchronous classes.
I'm looking them in the eye.	I can't tell if people are glad, if they want more.
[I]f the students are not learning on their own, you can force them to learn.	Online you can't force them...[I]t's on them.

Improvisational counterpoint.   Above, the contrast between classroom and online instruction delineates a planned structure for the countrapuntal voices and the verbatim quotes from the professors. Improvisational counterpoint is also structured but some or all of the strongly independent voices are unplanned (Galey, 2016).   Recent fMRI studies reveal improvisation is good for the human brain.   Brain scans show that creativity including divergent thinking, poetry composition and musical improvisation yield an arrestingly similar pattern of largescale brain activity and connectivity where the

default network and the control network[132] areas of the brain, usually antagonistic with one another, "tend to cooperate during creative cognition" (Beaty, et al., 2016, p. 87). During creative cognition, the brain engages in self-generated thoughts that act primarily independent of external input but can benefit from goal direction to generate novel and useful ideas (Andrews-Hanna, 2014).

IMPROVISATIONAL VOICES

Reader	Professor W	Professor S	Professor L
IN THE CLASSROOM...		**ONLINE...**	
A teacher is more than just an advisor or a guide or assistant.			
I'm looking at them in the eye.			
		...(students') opportunity to be more resourceful and find...answers in other ways.	
[Q]uestioning is designed to elicit a particular response...that will reveal issues.			
		You just don't see the reaction.	
I could very, very quickly correct misconceptions or force deeper analysis.			
		[I]t is much harder...through technology.	
A student could theoretically not be prepared day after day after day and I might not notice.			
		[I]t is much harder...in asynchronous classes.	
I'm looking them in the eye.			
[I]f the students are not learning on their own, you can force them to learn.			

The contrapuntal voices of the professors demonstrate creative cognition as well as improvisational thought. As a reader, what are your spontaneous feelings about relationships with students in the classroom versus online? The Improvisational Voices schematic above introduces an additional color coding for "reader" and features the original Contrapuntal Voices schematic with some segments left blank offering you opportunity to join in the virtual conversation.

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[132] The default network accounts for spontaneous and self-generated thought, (e.g., mind wandering, mental simulation, social cognition, autobiographical retrieval, and episodic future thinking), while the control network fires cognitive processes, (e.g., working memory, relational thinking and task switching (Beaty, et al., 2016).

Relationality captivated by technology. Whether contrapuntal or improvisational, the professors' voices establish their uniquely divergent positions as they individually juggle positive, indifferent, and negative feelings about relational space and digital space. Their differences appear to flow from disparate viewpoints about technological equipment and platforms. While Professor S and Professor L earlier voiced the metaphorically felt experience of crawling inside the computer with their students, they each view the technology responsible for the online space very differently. Professor S expresses meandering through the maze of technological possibilities as a befuddling yet cathartic experience.   In somewhat begrudging concurrence, Professor L ultimately experiences technology as an inevitable intrusion. While S and L bring vocative voice to the table, W pragmatically describes technology as a tool despite the interlude of music metaphors.

First, through a maze image and poetic voice, S expresses the give and take between Self and Other through encounters with online technology which enables S to ultimately experience a felt inner balance:

A-MAZING TECHNOLOGY
I...experience...technology
By going in and doing it.
When I...experience things
I fully experience
them...intentionally.

Sometimes I wind around a lot;
Experience all the details,
Look at the big picture,
Then draw meaning from it.
Explore every nook and cranny;
Eventually
I get to where I need to be...

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I tend to overuse.
undo and redo;
Doesn't work the way
it's supposed to.

I like technology...
Wandering around
to find...
Balance.

—S

Countering Professor S's reference to "the tug of war" technology imparts, in "Digital Sound" below, Professor L invokes poetic speech to expose technology's inevitability, prolificity and irrevocability:

DIGITAL SOUND

We have technology
Whether we like it or not—
Most of the time
In an airport
Everyone is walking down
"T-Ta-T-Ta-Teet"
Tapping on a smartphone..
Whether we like it or not
The temptation is just
Too much for students
When they're online
"T-Ta-T-Ta-Teet"
They're online.
We have technology
Whether we like it or not—
Most of the time
Everyone is "T-Ta-T-Ta-Teet"
What did I do
With that smartphone?

--L

L: *Google…I don't feel distracted or the need to use it all the time.*

S: *[T]here's this tug of war. I will respond to my students using my phone like email…to give them a quick answer especially if they're panicking about something right before a deadline…*

C: *How do you visually see yourself during that connection?*

S:. *[I]t's a trade-off, "Do I need to connect… to this student immediately or do I need to wait until I can get to a computer and then in an environment without distractions so that I can respond*

thoughtfully? Do I want this connection with my student to be a well-thought, planned, edited interaction or do I want it to be…quick?"

L: [W]e have technology whether we like it or not.

Then Professor W invokes a decidedly more practical perspective by equating digital technology with carpenter and mechanical tools:

W: [M]aterial things? I view them as tools…for doing what I want to do.

C: In…this image, how does that relate to computers and technology?

W: All those tools are metaphors…Call one a computer. Call one a monitor. They're just tools. Software is a tool.

C: So, how do you feel... about that computer...sitting in front of you right now?

W: I love it…It provides me access to more information than I could ever imagine…It's just incredible…You call up google, and if you're good at picking your searches…in five minutes you can find what used to take a week…if it was even available in a library… I really like technology around me as a tool.

Prejudice, Distraction, and Revelation

At the outset of this study, I proposed a description of the Phenomenon as set out in the figure at right. I admit that throughout the data gathering, data interpretation and textual composition processes, I have consistently fought the decidedly overarching lawyer's temptation to "prove" each element of the Phenomenon in order to "win" an iron-clad conceptualization of the professors' existential experiences.

THE TRANSITIONING EXPERIENCE

The phenomenon of transitioning from classroom teaching, where legal doctrine and standardized test content must be taught, to online teaching where professional skills, legal doctrine and standardized test content must be taught.
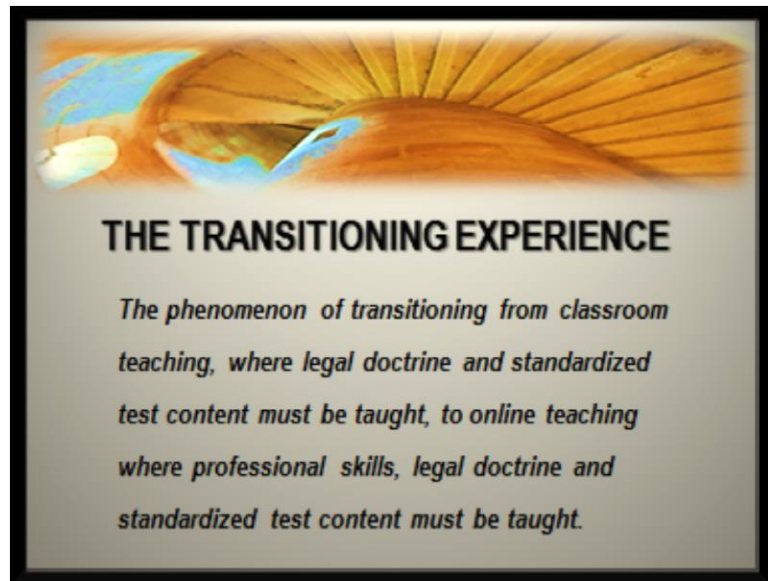
As I have repeatedly hovered on the brink of this argumentative frame of mind, three of van Manen's key points pulled me back to a more reflective attitude: 1) "Phenomenology does not try to develop conceptual schemes or prove a preconceived idea" (2014, p. 222); 2) Phenomenological "constructs themselves are always in danger of becoming imperatives, rationalities, epistemologies, and ontologies" (p. 13); and 3) Phenomenological constructs "need to be bracketed, deconstructed, and substituted with more reflective portrayals" (p. 13).

Therefore, herein, I tell about each of the professors' existential feelings "*as it happened* (and) *in experiential terms* (toward) a vivid sense of recognition" (p. 34, emphasis in the original). This then, is the striving for natural attitude, for temporal presence, for that dual writer's gaze into and through the lived presence of the

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"immediate now" and the reflective presence of the "now mediated by the text of the story" (p. 34). This phenomenological writer's attitude allows us "to be able to return to the beginnings, to the things themselves as they give themselves in lived through experience... (in) openness that invites us to see them as if for the first time" (p. 43).

Living the transition in the natural attitude. "The basic idea of the epoché and the reduction is to return to the world as we live it in the natural attitude" (van Manen, 2014, p. 222). However, each of us bodily dwells in a personally envisioned and embedded lifeworld attitude occupying space and time within the material and technological realms differently. Specifically pertaining to this study, the multiple individual natural attitudes toward the transitioning experience (W's, S's, L's, yours, or mine) make inhabiting "the world of prereflective experience-as-lived" (p. 221) a bit crowded. Admittedly engaging in collaborative meaning-making about the transitioning experience does not require individual condescension nor absorption in an Other's expressed attitude. On the other hand, when the natural attitude manifests in the eyes of the Other as distorted or destructive, airing differences may indeed reorient the antagonistic into the catalystic. Accordingly, it is not enough for the phenomenological writer to tell about <u>seeing</u> a phenomenon and study participants in the natural attitude.— It is also necessary to tell about <u>being seen</u> by the phenomenon and study participants through reciprocal natural attitudes. Inevitably, in the telling manifested through natural attitude, competing prejudices about the phenomenon inevitably emerge. As Gadamer (1960/2006) explicates, prejudice and human understanding are synonymous: all knowledge consists of prejudice historically embedded in each human's consciousness

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and that prejudice (human understanding) will not come to light without Self and Other engaging in dialogue.

Nevertheless, as a researcher/participant within the hermeneutic inquiry, if I am distracted by my own prejudicial understanding of the Phenomenon and the exploration of the text, (W, S, and L's existential conversations with me and shared images), I risk the taint of inner mental sound bites drowning out the voice of the Phenomenon. "For it is necessary to keep one's gaze fixed on the thing (phenomenon) throughout all the constant distractions that originate in the interpreter himself" (Gadamer, 1960/2006, p. 269). As explicated above, the professors' contrapuntal voices in our virtual collaborative conversation starkly present W, S, and L's multidimensionally felt prejudices about teaching online. While each professor reveals a measure of self-understanding about the online experience, the individualized felt experiences manifest through their respective natural attitudes about the sixth existential theme: Longing for the classroom "home". Although it is not explicitly articulated in any of the professors' conversations with me, it may well be that once a law professor experiences online teaching, asynchronous teaching modalities disrupt the classroom mindset. The professors' existential angst for this loss erupts as longing for pedagogical "home".

In any event, it follows that as the scrivener of the Transitioning Lifeworld in this study, I am compelled to reveal my prejudicial angst: A proclivity for synchronous elearning. To do otherwise would ignore my natural attitude and eviscerate Gadamer's postulate that without dialogue which explicates prejudices, the human understanding which is inextricably entertwined with personal pre-judgment cannot be expressed. As

we will see as this Chapter proceeds, my angst, suspended for a time, finally erupts, unplanned and unabated.   In anticipation of the outburst, there is a backstory to tell.

Digression: Living through pre-judgment. My legal education was steeped in ubiquitously colorless classroom education almost wholly consisting of regurgitating legal doctrine through identifying appellate judges' articulated issues, findings, rules, and analysis. The dreaded, archaic black letter law cases characteristically presented abbreviated and sanitized versions of the facts and law. In contrast, a major component in my doctoral degree program has been devoted to online teaching techniques, both asynchronous and synchronous, and selecting and implementing technologies to enable skills training.   My own teaching style emphasizes student-centered discovery of theoretical, skillful, practical, and creative application of course content.

Existential and hermeneutic phenomenology researchers herald the importance of unveiling and confronting text-writer prejudices. Yet, my reading of many phenomenological studies reveals that comparatively few researchers actually divulge the full panoply of personal prejudices. Talk without constructive action seems disingenuous. In light of my antithetical background steeped in both the rigidity of legal instruction and practice and the openness of multi-faceted curriculum and instruction, I understand both how truly important and difficult it is to own up to competing personal prejudices, to honestly mentally probe the subject matter into which a researcher may intensely and maybe possessively immerse. In my response to an inner call to action in the midst of this dichotomy, I offer an excerpt from my dissertation journal that preceded a long struggled-for epiphany:

November 25, 2015: It is a lonely, silent space into which I turn, prejudice in mind. It is an avoiding place, off-putting, an affrontation, awful in dis-ease. It forces me into bare intuition, into carefully measured viewpoint, final and in perpetuity. All the many pages of mental toil over mindset…all the ink. With pen poised for inner war, I wander into darkness, still again, unknowing… —C

Concurrent with penning this journal entry, I had been re-pondering Gadamer's discussion about prejudice in *Truth and Method* (1960/2006). I was languishing in hope of coming to better terms with my prejudices about online instruction when Gadamer's words "distraction" and "distractions" jumped out at me as never before:

For it is necessary to keep one's gaze fixed on the thing throughout all the constant distractions that originate in the interpreter himself (p. 269)…A person who is trying to understand is exposed to distraction from foremeanings that are not borne out by the things themselves. (p. 270).

The Phenomenon of The Transitioning Experience does not manifest either as negative or positive, but rather stands, the Thing Itself, neutrally balanced, beckoning to be unwrapped.[133]   It follows that my contemplation and rendition of prejudices should be likewise balanced, weighing both the positive and the negative in effort to personally admit them so that they do not overtly distract from the voices of the professors. In one

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[133] The phenomenon of transitioning from classroom teaching, where legal doctrine and standardized test content must be taught, to online teaching where professional skills, -legal doctrine and standardized test content must be taught.

epiphanic moment, I suddenly realized my fervor to understand the nuances of the Transitioning Experience had allowed my own view of the Phenomenon to distract me from actually seeing it on its own terms, its unique oneness, or as Gadamer calls it, Otherness. I realized that in order to even approach human understanding of whatever viewpoints the professors would voice in their anticipated conversations with me, it was imperative that I articulate a definite pre-understanding of my own viewpoints. Below, I summarize the pre-understood prejudices I internally acknowledged before entering into conversation with the professors:

> **I feel most at home in cyberspace when I am bodily situated in an educational experience that embraces all five existentials. My computer expands space out from the four walls of in-dwelling into an online lifeworld where professor and students experience rich audio, video, and colorfully imaged environments teaming with synchronous and asynchronous conversational and technological interaction. No-time-wasted curricula delivers succinct productive content, formative feedback, and enables relevant student exploration. Recapitulative, summative evaluation perpetuates iterative, real-world learning experiences. --C**

As I further reveal my journey in search of textual meaning in the professors' accounts of existentially felt experience through additional virtual collaborative conversation, my prejudices will unavoidably erupt. Yet, frank utterance of prejudices either to Self in private or to Others overtly is not enough. "Hermeneutic work is based

on a polarity of familiarity and strangeness…in which the text addresses us, the story it

tells us" (p. 295).   An overt tension is at play in this process. The hermeneutic circle

itself cannot generate an iterated understanding between Self and Other free from

distraction. Gadamer notes that the tension between familiarity and strangeness

present during the juxtaposition of a reader to a written text can equally occur during the

juxtaposition to another person during oral conversation.

Hermeneutics as mediator. Gadamer locates hermeneutics as the tension-

tamer between strangeness and familiarity that begets mutual understanding. "The

true locus of hermeneutics is this in-between…[I]t follows that its work is…to clarify the

conditions in which understanding takes place" (p. 295). It is precisely this situation of

hermeneutic tension between the familiar and the strange that opens the way for the

truth of a text or conversation to shine "[s]ince we are now concerned not with

individuality and what it thinks but with the truth of what is said, a text is not understood

as a mere expression of life but is taken seriously in its claim to truth" (p. 296). Still,

demoting the importance of the individual does not overlook the ubiquitousness of

personal prejudice on both sides of a conversation that can result in truth. "Only by

being given full play is (personal prejudice) able to experience the other's claim to truth

and make it possible for him to have full play himself" (p. 299).   Giving full sway to all

conversants' prejudices then in turn situates the conversants' horizons in juxtaposition.

Once so situated, the text is free to flow into existence through horizonal vision:

> [T]he concept of situation is the concept of "horizon". The horizon is the
>
> range of vision that includes everything that can be seen from a particular

vantage point…"[T]o have a horizon" means not being limited to what is nearby

but being able to see beyond it. (p. 301).

As will be seen in the remainder of this Chapter and in Chapter 6, an admixture

of poetic strangeness and visions of the familiar speaks through the professors' images

and conversations. Too, their felt experiences rise up out of the midst of pedagogical

rigor. Therefore, I realize it is the very tension between strangeness and familiarity that

permeates the Phenomenon, perpetuates my impulse to divulge personal prejudice,

and allusively both blurs and clears the horizon beyond my interpreter's gaze.

Feeling Understanding

When "reverberative meanings" produce "a sense of nearness and intimacy

with the phenomenon" the ensuing "sentient or emotional faculty...establishes a 'feeling

understanding' (that) produces a sense of nearness and intimacy with the phenomenon"

(Id.).

Around this virtual table under The Great Tree, I have listened and spoken a little

but primarily let the Phenomenon's "living meaning" flow through the threads of the

professors' utterances and visual images.—Threads that twist and converge into a

strange feeling of nearness and understanding. I become filled with the wonder of it:

The "layers of meaning...strongly embedded" (van Manen, 2014, p. 249).

Professors in search of online student personality.   The professors speak of

a certain "feeling understanding" inherent in online teaching. Yet, this feeling

understanding seems to often manifest in hollow anonymity as they interact with

students in their asynchronous courses.   The professors characterize this separation as

the inability to sense student personality or see student body language.   At times, the anonymity and silence of the asynchronous platform opens the way for students to complain, cheat or check out.   Meanwhile, the professors yearn to feel more connected to their students:

> **C: *How did you internally feel when...dealing with…writings…emailed to you or on a message board? How did you picture in your mind these people that you had never even seen before?***
>
> **W*: I didn't picture them.***
>
> **C: (Speaking to L) *This image that you've picked out from pixabay-- "Observant", "Inviting", "Curious", "Welcoming" and "Patient". What did those (words) call up for you?***
>
> **L*: I like to observe students….their body language. Online…I don't get the body language. But when you have them write…a lot of times it comes out. (I'm) curious about what they're doing…***
>
> **C: *Once you began to be able to visualize a student from prior contact with them, and even if you couldn't see them all that much later on, you still had more of the feel from that student?***
>
> **W: *It wasn't so much visualization. It was seeing their personality…Seeing them come in the class, chatting with them before the class,….just getting some sense…[Y]ou don't really get a sense of them as a person. But you get a feeling that you know that person.***

S: *[Y]ou may have this group…who very obviously …interact on the discussion forum…merged and…working together. Then…random people…lone wolf students…[They show up and they make their post and then you never hear from them.*

As I listen to the professors, I too experience the play and power of "feeling understanding". For me, it is an uneasy, intrusive undercurrent, a warning-filled harbinger that my prejudice for synchronous learning may surface. It threatens to escape me in a giant, "BUT WHAT IF—"   A precursor to a full eruption occurs when I share an image of a twisted computer keyboard blocking a forest path. Professor W responds:

C: *OK. Does that say anything to you?*

W: *No. What was it supposed to bring up?*

C: *I'm always thinking in terms of trying to bring …reality to students or even to myself online…versus having to be a little bit more out there and detached. I superimposed a distorted keyboard. The path…is the…reality. The keyboard…some impediment…standing in the middle of that path. If you*

punch the right keys, maybe you'll get to go through.

W: *I see. I see!*

Until now, I have successfully kept my prejudice for synchronous elearning secretly hidden in a locked suitcase behind my chair. It is my prejudice in favor of integrating live video into the online teaching platfom, my championing for synchronicity in order to find personality and presence in the online experience that threatens to erupt. As I listen to W, S, and L clearly opine that student personality is missing from their asynchronous interactions, my prejudice begins to rattle and shake against confinement. Without further warning, it bursts its bonds, exploding in a cascade of questions I cannot quell:

C: Do you think even if you are doing an asynchronous class, there would be some way that you would be able to develop (a sense of student personality) before you start teaching the asynchronous classes?

C: Have you ever thought about doing any kind of video connection with your students or even one-on-one video connection?

C: Let me ask this…There are online capabilities like Skype. Have you ever used Skype? Or Zoom?

C: Do you think if you had…your students in your online classes…interact on Skype or Zoom…that there

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would be a difference then in their asynchronous contacts online?

C*: [L]et me just do a hypothetical here for a minute…Do you feel that there would be a difference in your understanding of the personality of your students…if at the beginning of the course, just hypothetically, that you had either with the whole class or if that didn't work out, just very short Zoom interaction with each student?*

C: How would it feel if you set up before you started your asynchronous course or at the beginning of it…let's say a 10 minute zoom conference with single students at a time? Would you feel comfortable doing that?

C: Well, maybe you could…have a little interchange on where they're at in their school and what their thoughts for the future might be.

C: *What is stopping you from doing that? Is it the technology part of it?*

My prejudice for synchronous elearning hovered for a long while as minimally intrusive personal background noise. In that posture, it did not "(stand) in the way from opening up access to the originary or the living meaning" of the Phenomenon (van Manen, 2014, p. 215). How did the subliminal whispering ultimately erupt despite my best efforts to suppress it?

Selfish struggles. An answer to the demise of my resolve to hold prejudice for real-time, synchronous elearning at bay may well abide in Gadamer's concept of horizonal fusion where Self stubbornly chooses to rise dominate over and at the same time, distanced from the Other. Assuredly, as Gadamer (1960/2006) articulates, the horizonal goal is ultimately to bolster Self by and through the Other but not at the expense of the Other. Do my unrestrained prejudices render me prey to what Gadamer warns against: That when Self becomes preoccupied with itself, recognition of the Other is obscured?   The selfless act of giving over to the Other may be conscientiously

attended to in the beginning but then be shortly ousted by Self's end-game: Satisfying a defiant existential need for self-preservation. Gadamer uses the aesthetic immersion of Self in art (the Other) and Self as a spectator at play and festival (the Others) to elucidate how Self's selfishness may interfere with the "feeling understanding" van Manen sees as "a sense of nearness and intimacy with the phenomenon" (van Manen, 2014, p. 249).   In my case, I am compelled to ponder whether prejudice for synchronous elearning that may have brought me personally nearer to the transitioning experience has also selfishly risked distancing the professors from the Phenomenon.

Best efforts at adhering to the Epoché and Reduction's admonition to bracket distractions doesn't always work! Yet, must preservation of Self invariably win in the end? In explaining Self's relationship to the Other, Gadamer (1960/2006) asserts "Self-understanding always occurs through understanding something other than the self, and includes the unity and integrity of the other" but not to the detriment of the "continuity of our own existence" (p. 83).   Aside from my belated prejudicial outbursts, I have endeavored to maintain a participant position of self-subordination. This has allowed the research design incorporating pixabay images itself to stimulate the professors' dialogue. Nevertheless, holding Self in abeyance to the exclusive advantage of the Other does not necessarily bring us to the threshold of understanding. That is why Gadamer equates the epoché (pre-judgment or prejudice) with human knowledge.— While forgetting Self may bring us close to the edge of mutual horizons, it will not unilaterally result in a fusion of horizons sufficient for mutual understanding. Gadamer's foundational premise opines that all human understanding occurs as dialogue (1960/2006). Accordingly, the act of beholding the Other as the Other sees

and understands its Self may return us and re-expose us to our own self-understanding and selfishness. But it is only when the act of beholding occurs through unfettered dialogue that understanding manifests.

While Gadamer does not rule out the possibility of merging Self understanding with understanding the Other, Gadamer ultimately concludes that it is the distanciation created by stepping toward the Other (whether the Other manifests as a phenomenon or another person) and away from Self that activates the initial catalyst. Moreover, it is the fragile balance between self-less interaction with the Other and mediated self-understanding that makes one's being existentially whole. It is "the absolute moment in which a spectator stands (that) is both one of self forgetfulness and of mediation with himself...(that) rends him from himself (and) at the same time gives him back the whole of his being" (p. 125).

Still, Gadamer goes on to ultimately conclude that Self acts not only to understand itself but more dramatically to preserve itself. One may become predatory toward the Other perceived as alien:

> What is alive preserves itself by drawing into itself everything that is outside it. Everything that is alive nourishes itself on what is alien to it. The fundamental fact of being alive is assimilation. Differentiation, then, is at the same time non-differentiation. The alien is appropriated. (p. 244)

Not only is the Other appropriated by Self in its own "self-consciousness" but the Other is further alienated through objectification:

> (Self-conscious) being consists in its ability to make everything the object of its knowledge, and yet in everything that it knows, it knows itself. Thus as

knowledge it differentiates itself from itself and, at the same time, as self-consciousness, it folds back on and returns to itself...(p. 244)

Apologetic? In this Chapter, the setting for collaborative conversation in the timelessness of a virtual forest accessed by metaphorical travel on an old steam locomotive affords temporal, spatial and textual distanciation. Within this fresh horizon, the virtual collaborative interchange among W, S, L, you the reader, and me has begun to unfold. Yet, the unexpected interjection of my synchronous elearning questions that spontaneously surfaced during actual one-on-one conversations with each professor poses both unique opportunity and perhaps perplexing obstacle for you. I have invited you into the journey and offered various means of taking part in the virtual dialogue. But your participation is contingent upon interpretative powers solely within the compass of your personal and pedagogical horizon.

Gadamer (1960/2006) emphasizes the reader distanced from the happenings in a text experiences tension. The dilemma occurs when, in the pursuit of horizonal understanding, the reader's prejudices regarding the subject of the text clash with the text's revelation of itself as itself. Every text, no matter how long ago written, comes from out of the past, presenting itself as a willing conversant but prejudiced toward its own truth. While the text speaks of itself and for itself, it is up to the reader to interpret that speech despite any ambivalence between what is alien and familiar in the text. Thus, the inclusion of my prejudice about synchronous elearning should not be judged by any authorship intentions I might or might not have had in doing so, but rather weighed within the scope of your willingness to fully explore the horizon of the text, to engage in the textual epoché, and to self-appropriate meaning from it.

In any event, although somewhat chagrined by my lack of ability to curtail my prejudice, ultimately I make no apology for the effusion. In a conversation, the participant Self must be open to the viewpoint of the Other and be willing to continue the dialogue to its conclusion (Id.). Without my outbursts, W, S, and L would have had no knowledge of my penchant for synchronous elearning modalities. Moreover, it is W, S, and L's feelings both individually and collectively about asynchronous elearning's inadequacies as a replacement for classroom instruction that prompted my outburst in the first place. Without inclusion of these episodes, the full essence of this study's text would have been lost to you the reader.

While the text presents itself as itself, I do acknowledge authorship obligation to offer you opportunity to Self-confront any foreknowledge of personal prejudice you may harbor regarding synchronous/asynchronous elearning (the horizon of this segment of the text) to enable personal dialectic. If I had not spontaneously questioned the inadequacies of asynchronous elearning and hinted at the possibilities of synchronous elearning, the opening for you to freely interpret the text through your unique horizon(s) would have been hindered by lack of my complete disclosure.

Phenomenon reduct. True to the philosophical method of the epoché and reduction, throughout most of data collection, I mentally suspended (bracketed away) my prejudice for synchronous elearning to guard against obstruction of the professors' exploratory access to their transitioning to online learning and to eliminate skewing my description and interpretation of their stories. My efforts made way for the Phenomenon (including my prejudices) to show itself in all of its living meaning (van Manen, 2014) When the Phenomenon did fully show itself, it included an unexpected element: Each

of the professors in turn expressed existential angst about the asynchronous teaching experience and longed for the comfort of the classroom home.   As a consequence, the professors themselves opened the door to the prejudice I had assiduously tried to bracket away.

While hermeneutic phenomenology admits that foreknowings and pre-judgments about a phenomenon can never be entirely bracketed away (Gadamer, 1996/2006; van Manen, 1990; van Manen, 2014), the discipline provides no clear guidance about how to respond when intervening factors external to the mind of the bracketer alter the horizon of the phenomenon. Granted, Gadamer does give us an honest look into the human penchant for self understanding particularly when selfishness is involved. However, Gadamer does not address a pertinent situation: When the Others are human beings and not the phenomenon or art or a text, the Self in search of truth and truth in search of self-understanding may remain deaf to the voice of Other(s) who may be simultaneously searching selfishly for personal self-ness. Should the individualized existential search of any of the participants in this study (W, S, L, you as reader, or me) be clouded by one another's prejudices or exact a reciprocal toll on personal searching?

Selfish prejudice has not necessarily wielded a negative effect in this study. My prejudice for introducing synchronous video elements into the online law educational platform has surfaced as the consequence of my conversational interaction with the professors. As illustrated in the collaborative excerpts below, my outbursts ultimately caused the professors to prospectively contemplate the felt experience of incorporating synchronous learning into their online classes. Of course, the conversation is presented

as though my questions and the professors' individual answers had occurred with all of us present at the same time:

> **W:** *I just don't feel comfortable talking to people when I can't see their reaction or interact with them…You're dealing with ideas and there's no…personality that comes out from the ideas. I like the classroom because I can see my students and see what they're thinking and I can interact with them…*
>
> **C:** *Do you think even if you are doing an asynchronous class, there would be some way that you would be able to develop (personality awareness) before you start teaching the asynchronous classes?*
>
> **W:** *Theoretically, you could meet with the students before you start teaching them….If you had an informal meeting that they were all required to come to….*
>
> **C:** *Have you ever thought about doing any kind of video connection with your students or even one-on-one video connection?*
>
> **S:** *I find there to be a challenge in online teaching—To get (a) coming together experience. [W]e can do it physically with physical space…But in the computer, we can't physically join together to work on a project.*
>
> **L:** *I think in the classroom, I'm looking at them in the eye.*
>
> **C:** *So you're kind of able to gauge the response?*
>
> **L:** *And kind of get it into a discussion. But online, I've found when they're not looking at you, they don't listen as much. And they're apt to jump on you pretty hard.*
>
> **C:** *That seems to flow from what you said earlier…Let me ask this…There are online capabilities like Skype. Have you ever used Skype?*
>
> **S:** *I tried several different office hour video options. I'm really comfortable with Skype…but I was trying to do something a little more formal.*
>
> **L:** *I've not used Skype.*

C: *Or Zoom?*

L: *I've not used Zoom in my online classes.*

C: *Do you think if you had…your students in your online classes…interact on Skype or Zoom…that there would be a difference then in their asynchronous contacts online?*

L: *That's a good question, and I don't know. And I blame a lot of this on me.*

C: *What do you mean?*

L: *I go back to the beginning that I'm a little bit technology disabled…I was so late in life getting into technology. Wasn't my fault.*

S: *Anything that is easy on the instructor side (is) burdensome on the student side and visa versa. So, I'm still investigating that aspect of it.*

C: *[L]et me just do a hypothetical here for a minute…Do you feel that there would be a difference in your understanding of the personality of your students…if at the beginning of the course, just hypothetically, that you had either with the whole class or if that didn't work out, just very short Zoom interaction with each student?*

L: *I think it would help…especially me. Again, maybe I am self indulging a little bit here. To be able to hear their voice and see their body language…*

C: *How would it feel if before you started your asynchronous course or at the beginning of it, you set up let's say a 10 minute zoom conference with single students at a time? Would you feel comfortable doing that?*

W: *The idea of a 10 minute zoom. That's actually a good idea.*

C: *So, you think that would be something that you might even think about doing?*

W: *I'm not sure I would be comfortable doing it.*

C: *Well, maybe you could…have a little interchange on where they're at in their schooling and what their thoughts for the future might be.*

W: *Yeah, you could do that.*

C: *Not necessarily it's going to be of any real heavy substance. What is stopping you from doing that? Is it the technology part of it?*

L: *Technology probably up until now.*

S: *[T]he Learning Management System may be more of a weakness than a strength.*

W: *Ten minutes of small talk, I just couldn't do it…I'd have to have an agenda.*

C: *You are establishing something about personality.*

W: *I know, I know. This is a personality thing….I do like that idea…[Y]eah that might make a difference.*

My outbursts about synchronous learning provide me a greater self-awareness of how my prejudice existentially influences me. More importantly, it has opened W, S, and L to some measure of self-awareness about the parameters of their prejudices for asynchronous learning and at the same time, possibly increased their range of existential vision toward at least contemplating what the felt experience of incorporation synchronous learning into their online classes might yield.

As the flowchart below depicts, before the conversation began with the professors, I had harbored the pre-understanding that live video (a synchronous elearning modality) enhances student to student and student to instructor interaction. During the course of the conversation, my prejudice surfaces into conscious awareness when W, S, & L express consternation that their asynchronous elearning platforms deny them the ability to know their students' personalities. I am only able to fully examine my

prejudice when the professors (through words and images) reveal their own prejudices

for asynchronous elearning:

Subconscious		Unconscious

PREJUDICE:REAL-TIME VIDEO

Pre-understanding: Live Video Enhances Interaction

Experience Conscious Awareness of Prejudice

Triggered When W, S, & L Call Asynchronous Platform Void of Presence & Personality

Examine Prejudice

Through the Mirror of Conversational Text & Images

ACHIEVE OPENNESS

Subdue Distortion: Subjective Preference for Video

CHALLENGE HORIZON OF UNDERSTANDING

SELF/OTHERNESS	SELF/OTHERNESS	SELF/OTHERNESS
Phenomenon	Dialogue & Images	W, S, & L

APPROACH TRUTH OF EXPERIENCE

Gain Self-Awareness	Increase Range of Vision

Through the revelation of my prejudices, the virtual conversation has become

more open. Horizonal challenges for W, S, L, you my reader, and me would not have

been achieved without exposing the full Self/Otherness of the Phenomenon (in this case

transition to online learning that can be either asynchronous or synchronous, or a

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combination of both); exploring the Self/Otherness of W, S, and L's predisposition

toward asynchronous elearning; and exposing the Self/Otherness of the text (dialogue

and images expressing feelings about both asynchronous and synchronous learning

scenarios). I concur with van Manen (2014) that hermeneutic phenomenology does not

produce answers but instead generates questions for the future. The unmasking of my

prejudice for synchronous learning has exposed not only the professors' longing for the

classroom home but also a measure of prescient urgency to attain existential at-

homeness in digital teaching space and time. At the end of this Chapter, I am

compelled to ask the question that may well drive future research studies: What does it

feels like to ultimately quench that longing?

We continue Being

within the journey

through the time

of beckoning space...

Fragmentation and Finding

Finding an "at-home" place enables Self to experience a sense of being

(Seamon, 2012). The professors' unresolved but clear longing for home online

distresses me. All three professors have spoken about felt frustrations inextricably

embedded within the closed silence of the asynchronous platform. When my outburst

about prejudice for real-time video interaction occurred, I challenged W, S, and L to step

out of what I interpreted as felt experiences embedded in asynchronous complacency. I

sense from their replies that engaging in synchronous elearning might well feel like

stepping off a cliff as it fragments into an abyss.

Creative destruction and dramatic innovation. In her intuitive and prophetic

book, *Evolve,* (2001), Rosabeth Kanter, Professor of Business Administration at

Harvard Business School, argues that "[T]aking full advantage of the potential of the

Internet Age requires leaders to lead differently and people to work together in new

configurations" (p. 7). When occupying space on the internet she calls "e-culture",

Kanter advocates focus on multiple fragmentary truths including *creative destruction*

("getting serious about continuous dramatic change"); *"made up as you go along"*

("involves emergent strategies (and) improvisation"); *"full of paradoxes"* ("The e-world is

highly decentralized and hard to control, but it forces...(becoming) more integrated");

and "*can be a lot of fun"* (p. 7, [italics in original]).

Throughout this study I have endeavored to articulate a sound research

paradigm and methodology in keeping with current hermeneutic and phenomenological

protocols.   Still, improvisational journeying into unknowns continues as my research

touchstone.   No one has ever phenomenologically nor hermeneutically explored the

existentially felt experiences of law professors before. Nor have any previous studies

ever offered participants or a reader free roam through over 660,000 pixabay images to

assist articulation of felt experiences.

I began this journey to explore a vital part of the online evolution: How uniquely

skilled law professors existentially feel when caught up in legal elearning that changes

in an instant and at cyber-speed. "Strategy emerges and is revealed through action,

because when outcomes cannot be known in advance, the action itself creates the goal" (p. 107).   This means taking risk knowingly. In order to succeed in the legal education digital world, professors and their institutions have the opportunity to evolve in step with changes in legal elearning technology that similarly involve some active risk. I have acted, surging toward the goal but uncertain of outcome.   [R]easearch shows that "innovation combines the discipline of skilled players with serendipity and chance; and even strategy formulation can be discovery based" (Kanter, 2001; von Hippel, 1988; McGrath & MacMillan, 1995). In order to sustain the discovery temperament in this study, I have had to garner improvisational assistance from my participant professors, myself, and the hermeneutical, phenomenological and metaphysical disciplines, all as co-determinants in this journey toward existential essence and understanding.

"Innovation is inherently improvisational because it is impossible to know how people will react to something they have never seen before, something that has not yet been invented, or something that has not yet happened" (Kanter, 2001, p. 108). "Strategic improvisation takes shape out of six elements: a theme, a theater, actors, suspense, audiences, and successive variations" (p. 109).   At various times throughout the conversations, both in real time and virtual time, the professors have particularly focused on felt experiences regarding elearning's consumption of 24/7 time, superficial online interaction without meaningful student-to-professor academic relationships, summarily executed student work, (i.e. lack of depth in discussion posts, checking out, and cheating), and difficulties with establishing collaborative interaction during asynchronous online activities. However, at no time have any of the professors

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expressed feelings of creativity, improvisation, or playfulness while designing and implementing online legal pedagogy or when interacting asynchronously with students.

Hermeneutic phenomenology does not go so far as to bolster the adventure with definitive answers or startling conclusions but rather affords an interpretive guide for Self questioning toward those answers. As a result of my wonderings while journeying through this hermeneutically existential immersion within online law professors' lifeworlds, I have come to understand an abiding truth: That in the quest for self-understanding, it is very easy to become deaf to the voice of a phenomenon by listening to the voice of self-condescension.— It is the age-old voice that calls out human beings again and again. It is the beguiling voice that beckons us to just give up, give in, and fall backward only to wallow in the pit of existential despair. It is also the opportunity for redemption, to resolve to continue to move forward through the sphere of existential six point perspective (body, time, space, relationality, materiality/technology and longing for home). The precipice is rendered increasingly less ominous the further its proximity recedes from view.

Now at the close of this Chapter, we are still deep within the virtual forest under The Great Tree. It is time to draw the collaborative roundtable conversation to a close. Through openness, understanding, and existential truth, each of us has the opportunity to move forward in time, ever longing for and seeking the way toward home space and place. Therefore, in Chapter 6, I offer up ways that may bring us closer to finding home as it lifts out of the mists of distanciation, enticements for journeys toward new phenomenological destinations, and suggestions for future conversations.   As the

professors' voices whisper, attest, protest and rise under The Great Tree, the transition
is never ending.

GOING HOME?

Being, in infancy, calls free—
To innocence attest
Within inner-world's cradle pressed
Transformed beneath a Tree;
Transparent Self and Other pledge
To come away, come toward
Lifeworld's outer colder edge.

In work-a-day's slow toil
Behold Again. Surreal.
Feel brittleness uncoil
Fatigue, a specious feast
To boil over and steal
The mark of mundane's beast.

Ambition renders schisms
Bent to breach
Sanctuaries. Visions.
Wonder Still Journey Roam
Long in Hope
Of finding home.

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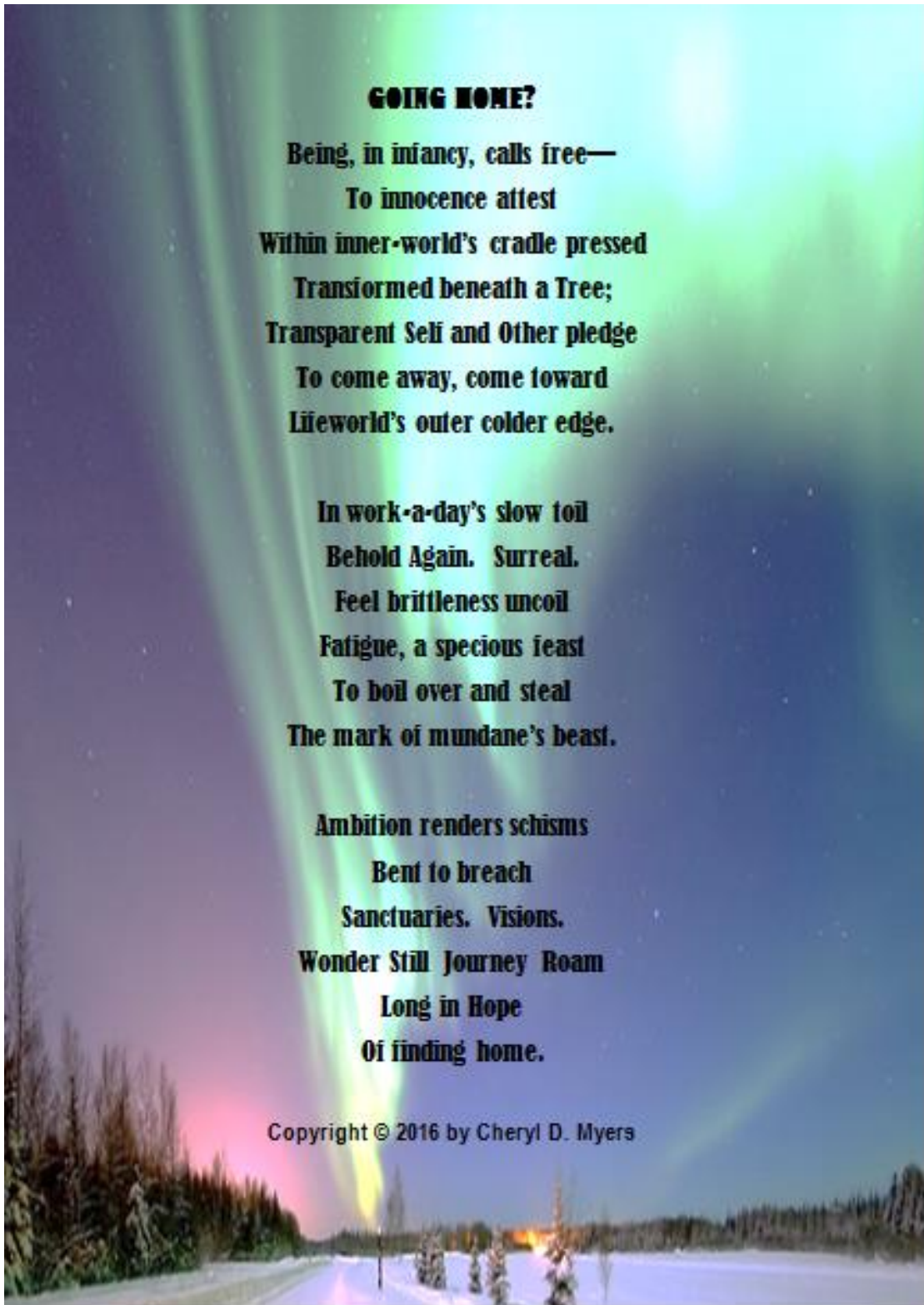
CHAPTER 6

Wondering Toward Home

Introduction

  Through description and interpretation shared beneath The Great Tree, Chapter 5 provided a virtual lens into existentially felt experiences within the online lifeworlds of three law professors. The five existentials, (body, space, time, lived relation, and things/technology) have provided thematic cohesion.   Also in Chapter 5, I introduced my notion of a sixth existential: "longing for home" after listening to W, S, and L each express a pronounced yearning for the brick and mortar law classroom. Through this heuristic framework, the inquiry has been narrowly focused upon Professors W, S, and L but at the same time intended to be inclusively applicable.   "[I]n a sense...(the existentials) belong to everyone's life world—they are universal themes of life" (van Manen, 2014, p. 302).

In Chapter 5, I also extrapolated upon the concept of artistic multi-dimensional perspectives. I introduced my perception that to see, feel, and understand experiences occurring in the act of online law teaching, the five existentials are analogous to the 5-point perspective an artist uses to visually depict spherical constructs. I also introduced my concept of "longing for (classroom) home" as a sixth existential dimension present in law professors' online lifeworlds which is derived from the notion of "at-homeness" in the study of phenomenology of place (*See,* Seamon, 2012). I argued this sixth existential dimension is vital to complete the view into the professors' lifeworlds.   My analogy in Chapter 5 to South Dakota artist, Dick Termes' six point perspective anchors my assertion that hermeneutic understanding cannot be confined to a flat, circular iteration of ideas as conceptualized by Heidegger and Gadamer. Instead, the vision expands into a richly dimensional spherical world of knowing. Termes warns that in the artistic creation of a visually viable sphere, five point perspective can render only half of the view. It takes a sixth point, found behind the viewer who is located at the apex of the sphere to make it possible to see a lifeworld in its wholeness.

Chapter 5 began by revealing the professors' lifeworlds thematically, using the interplay of the 5 existentials in the professors' lives to open discussion and interpretation.   However, during my separate conversations with each of the professors, I realized that at the very core of their felt experience descriptions, each of them in turn and in separate yet akin voices, spoke of a yearning for something missing. They spoke poetically of a void openly antithetical to "at-homeness", of wanting to feel fully comfortable, and of fragmented anxious desire to feel fully at-home within the online teaching lifeworld.

Furthermore, as elucidated in Chapter 5, Dick Termes' seminal maxim is that for a person experiencing the sensation of being within a complete spherical world, no matter how far he or she turns to the right or left or spins in a circle, he or she can never actually see the sixth perspective point. The sixth focal point, (although visible to the artist) always remains behind the viewer standing within the sphere. An illusive scamp, the sixth focal point both steals and enables viewpoint. Without the sixth perspective, the viewer within the sphere would be unable to completely experience and understand what is to be seen and experienced in the lifeworld.

Thus, this last Chapter is a look behind, around, above, below, toward, and away from The Great Tree in the forest, a breaking through to the reality of the professors' teaching world, and perhaps a momentary glimpse into how the search for the illusive sixth existential "longing for home", (though always a step out of sight), may spur ideas for future studies. So, the journey continues. It is time to bid farewell to our virtual space under The Great Tree, to walk away from its comforting embrace, and to continue on, searching introspectively, hopefully, and prospectively.

Disengagement, Farewell, and Foreboding

...The Great Tree's shelter. Unsettledness. A felt-need to move on, to take something away from the conversation around this table and carry it back into reality and forward into the future. Our color images.—If only to hold them close, to treasure them, not in momentous profundity, but rather as mementos of festival and play. Just as we reach out to gather them in, the warm breeze jostles the pages into a flutter.

There can be no tangible takeaways from this virtual space. A sudden unseen gust swipes every image cleanly off the table. A fleeting multi-color cloud, they swirl upward, beyond, then gone. I understand.   I leave my mangled suitcase, destroyed by bursting prejudice, behind.

The rising wind continues, low and moaning. We turn away and walk toward the fields. Somewhere I have heard an old saying that one must never look back when going away. But somehow, in this instance, I cannot heed that warning. I turn, just for a moment.—

In paternal silence, The Great Tree deeply bends its gentle boughs to embrace what invisibly lingers. Subdued voices ahead call me to walk on. Reluctantly, I do. My hiding stone across the field appears.   It conceals only a small, old rope-bound drum.

"Who left this drum?"

"Who took my cap and bandana?!"

No one answers. No one is there.

I pick up the drum and hope to make fair trade.

At once, strident voices ahead ping the air:

"I don't have time for this!"

"How did this happen?"

"What do we do now?"

"I want to go home!"

Across the field, Bridgefield Station is gone. No idling train points toward home. Only gusts of hot air kick grit over tracks that disappear into a desert floor.

The old drum begins to quietly hum: "Walk beyond the tracks toward home."

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   Walking in the desert is arduous, particularly climbing uphill on the shifting surface.—One step straight up is two steps back. Once, long ago, I took a hike in the **Great Sand Dunes National Park and Preserve** in Medano, Colorado.   Beyond the massive plate glass window on one wall of the visitors' center, mountains of sand shimmered gold in the morning light.   A large billboard provided instructions: HOW TO WALK ON THE DUNES. To keep from sliding back, don't walk straight up a dune. Keep moving and climb in a zig-zag, following the dune ridgeline.

   My tourist guidebook warned to start walking the dunes early in the day as afternoon sun can bring the sand surface temperature up to more than one-hundred-fifty degrees Fahrenheit. Oblivious, some hikers had already tied their boots or sneakers together and slung them around their necks. I do remember trying to walk the dunes

barefoot that day.   But without the stability and traction of hiking boots, the climb was even more grueling.

Oh, the memory of the forest's sweet breath! Walking the cool resilience of it's path. The power of space. Saturated energy distilled in quiet wisdom. A place where for a time chaos arose and fell away...

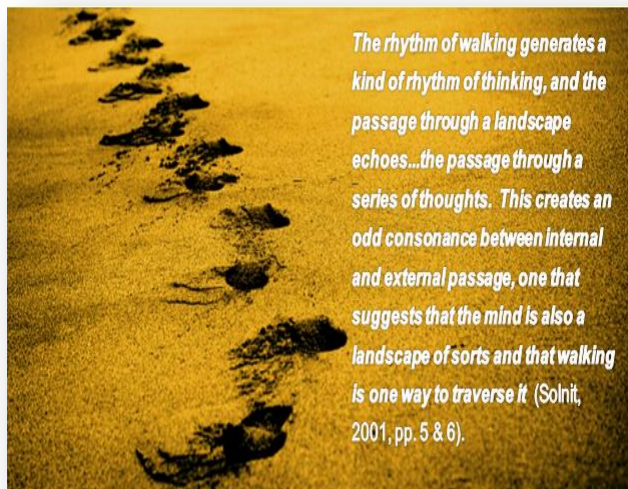In her compelling book *Wanderlust: A History of Walking* (2001), Rebecca Solnit notes:

Walking itself is the intentional act closest to the unwilled rhythms of the body, to breathing and the beating of a heart. It strikes a delicate balance between working and idling, being and doing. It is a bodily labor that produces nothing but thoughts, experiences, arrivals. (p. 5)

...Desert arrival. Utter desolation. In the great circle around us, only the dunes. Old, new, known and unknown—Compressed into an hourglass of sandness. All a bleak horizon of hopeless homelessness.

****

Being at Home—Alone

...In step with the steady beat of the faithful old drum, we each settle, alone, into breaking path through the vastness of sand. As I walk, I think about how acute the professors' longing for the classroom home seems and wonder how much students also feel a longing for the four walls of a classroom...

The rhythm of walking generates a kind of rhythm of thinking, and the passage through a landscape echoes...the passage through a series of thoughts. This creates an odd consonance between internal and external passage, one that suggests that the mind is also a landscape of sorts and that walking is one way to traverse it (Solnit, 2001, pp. 5 & 6).

Finding a home place enables Self to experience a sense of being (Seamon, 2012). As I introduced in Chapter 5, Gadamer (1960/2006) opines that Self's grasping for the horizon of understanding may manifest as a predatory act upon the Other(s) to the penultimate preservation of a "selfish" sense of being. The professors express feeling great personal online homelessness but do not concomitantly speak of students' felt experiences. Whether this is a manifestation of a

selfish wish to dominate the elearning lifeworld might be the subject of future research. Future research might also explore law and paralegal students' online felt experiences approached from an existential perspective, a subject that has not yet been addressed in the research literature.

Careless reciprocity. While it is true that the perspective of this study orients solely toward law professors recounting what it feels like to teach online, I am troubled by the paucity of their consideration of what the students might be feeling at the same time. Except for fragments about destructive or negative conduct, positive reflections about students in the conversation transcripts are few. The students' "felt" voices are

entirely silent. This suggests a troubling chasm which Gadamer might say inhibits the student

Other to see itself as itself (1960/2006).   In an effort to partially bridge that separation and anticipate future research, during the continuation of our virtual walk, I interject comments reflecting student viewpoints toward online law experiences. The comments are a compendium redacted and paraphrased from research surveys conducted during the past three years. *[134]*   I provide the comments as a glimpse into what may well be

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[134]Any of my non-italicized comments during this virtual desert walk are provided to reflect a composite of viewpoints taken from multiple law student surveys that sample student responses from multiple law schools conducted in the last four years (Weiss, 2016: Morris, 2014; Cleveland, 2013; Colbran & Gilding, 2013; Fugeson & Lee, 2012; Nehme, 2010).   I am unable to provide composite viewpoints from paralegal students because similar studies sampling online paralegal students from multiple learning facilities are non-existent. A few studies sample technical school student satisfaction as a whole. In those studies, paralegal student responses are co-mingled with responses from students in other technical studies programs. The few paralegal program satisfaction surveys available online are too fragmentary to provide a composite in that they are narrowly limited to those sent by individual learning facilities to students enrolled in or graduating from the paralegal program unique to that single learning facility. I provide the comments as a glimpse into what may well be the felt experiences of legal

the felt experiences of legal education students and recent graduates working in law firms. To do so, suggests the possible benefit of future research merging exploration of the existentially felt lives of law professors and the existentially felt lives of their law and paralegal students.

Now, as we continue to walk through rising heat, Pierre Loti's description of Egypt's barrenness comes to mind: "And all around is the desert, a corner of the mournful kingdom of sand" (Loti, 1909/1914, p. 4).

... Peaked dunes rise in the distance. The sharp dry wind is at my back. A handful of crystals from the desert floor are hot but not yet burning. Lifted into the harsh light, they sparkle for a moment, impatient

to sift through my fingers, then defiantly swirl away to find new obscurities of repose.

<div align="center">**************</div>

Transitioning toward transformation.   Not long ago, something happened that stopped me short of even casually thinking of humanity as only an unfathomable throng surging through time. I was curiously surfing the net for sites about multidimensional

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education students and recent graduates working in law firms. To do so, suggests the benefit of subject matter for future research that may combine exploration of the existentially felt lives of law professors and their law and paralegal students.

worlds and found Dr. Gary Greenberg. A cell biologist, photographer, and **inventor with 25 patents** for high definition, digital and 3D microscopic imaging, his deepest passion is **photographing grains of sand .** Through magnification of up to 300 times actual size, each seemingly mundane fleck appears beautiful in its complex individuality, a singular visual adventure into **a minute world that comes alive**.

Dr. Greenberg's 3D microscopic precision transforms the miniscule and the nano instantly before our eyes.   As we have seen in this study, the professors' personal and professional journeys through online lifeworlds have been everything but instantaneous, precise, or unequivocally transformed. That is why from the outset, I have purposefully identified their experiences not only as clearly multi-faceted but also continually in flux, illusive, puzzling, unsettling, chaotic, and assuredly incomplete to keep focus on their "transitioning" rather than any "transformation" they might experience in the process.

 I do acknowledge that transformative and life-long learning theories address the incremental steps of learning within an ongoing set of processes that are discretely identifiable and, in the case of educators, that occur throughout the teaching lifetime (Jarvis, 2010).   However, hermeneutic phenomenology is a transcendent quest "that reveals the elusive significance of the *thingness* of things" (van Manen, 2014, p. 51). W, S, and L journey through brokenness, deprived of classroom things. This study explores what it feels like to live through and beyond the brokenness rather than contextualizing the outcomes of having done so. Moreover, I have elected to use the "vocative" voice in this study where the professors' "experiences...have a nonintentional structure,...are... experiences prior to reflection,... (and) evoke meaning that is felt

immediately but not grasped as knowledge or concepts" (p. 64). Whereas, contemporary transformative learning theorists emphasize rational thought, critical reflection, and discourse (Taylor, et al., 2012). Transformative learning is a cognitive and appropriative "process by which we transform our taken-for-granted frames of reference (meaning perspectives, habits of mind, mind-sets) to make them more inclusive, discriminating, open, emotionally able to change, and reflective so that they may generate beliefs and opinions that will prove more true or justified to guide action" (Mezirow, 2000, pp. 7-8). A few earlier scholars in the field have also addressed concepts such as shadow, persona, archetypes and Self but primarily as related to the cognition and attainment of life wholeness (Boyd & Myers, 1988).

The interconnectedness of learning and Being. Despite transformative learning's inapposite direction from hermeneutically existential inquiry, three key concepts from transformative learning theory's description of the human learning process help shed some light on the professors' felt experience: internalization, mimesis, and adaptation (Jarvis, 2009). Learning of any kind is not possible without some type of transformation "because learning and being are interconnected...(and) learning is above and beyond anything else, existential" (Koulaouzides, 2014, p. 3). By borrowing concepts from a particular learning theory, I do not intend to deconstruct my phenomenological inquiry into a transformative exegesis. Yet, undeniably, W, S, and L learn something by examining what it feels like to transition from classroom instruction to elearning platforms. Therefore, the transformative learning concepts are appropriated not to methodically evaluate how far along the professors might be on a continuum of change or whether they indeed even cognitively recognize measured

progress but rather to assist in revealing that moving toward transformation is not possible without experiencing what it feels like to transition.

Internalization: Learning through the senses. All interaction with our physical or social environments are internalized through visual and auditory senses. Conscious communication with the external world is achieved through listening and reading. Learning through the senses is also unconscious without our awareness that learning is taking place (Id.).   I have provided multiple interactive opportunities during this existential journey through access to written text, visual imagery, auditory nuance, and referential hyperlinks to online resources.   My desire in this study is to enable your reader experience to not only be phenomenologically and existentially rich but also to offer a learning modality that transforms.

The invisible thrum of global technology inescapably and inalterably courses through us....
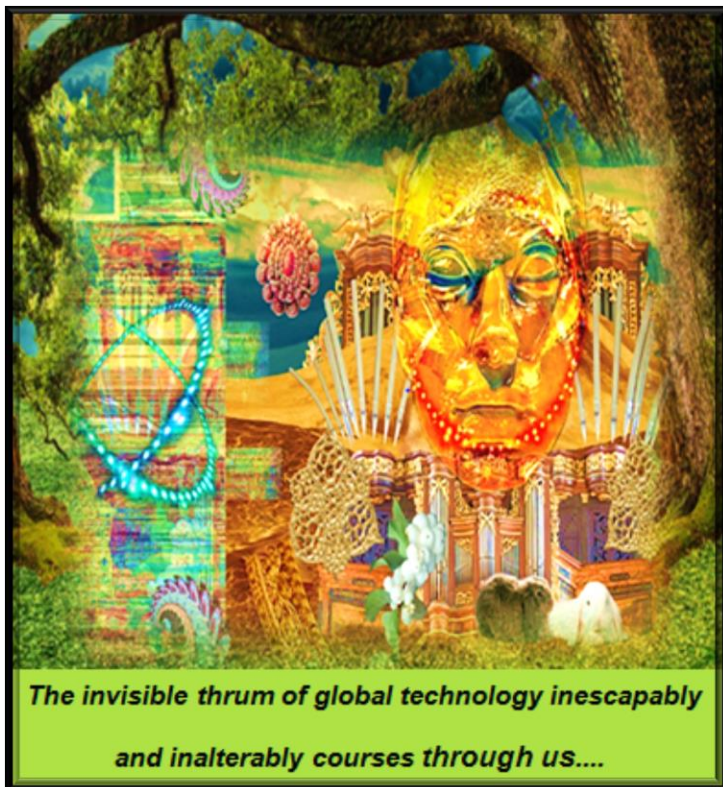
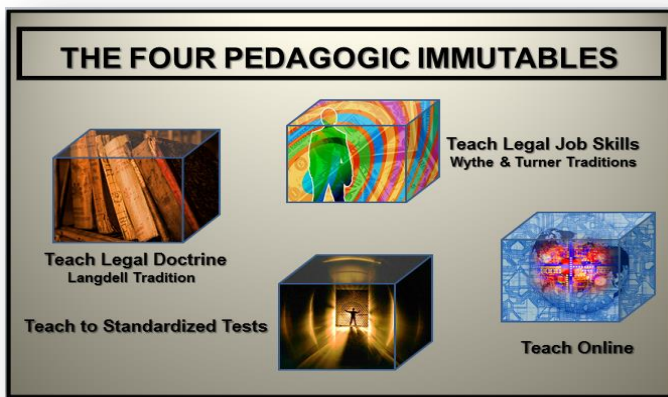Transformative learning makes "taken-for-granted frames of reference (meaning perspectives, habits of mind, mind-sets) ...more inclusive, discriminating, open, emotionally capable of change, and reflective... to guide action" (Mezirow, 2012, p. 76). If through these pages you are not learning something new about yourself and how you feel about your classroom

pedagogical experiences versus your online pedagogical experiences, (or

contemplation of embarking thereupon), then I will not have opened a way for you to "construe a new or a revised interpretation of the meaning of...(your) experience in order to guide future action" (Mezirow, 1991, p. 12).   On the other hand, if you have gained some measure of personal and professional transformation through conscious change in your meaning-making about teaching law online, then I take comfort in having relevantly enabled you to write or revise a portion of your personal "biography" (Jarvis, 2009, p. 25).

Mimesis: Behavior replication and belonging. Another form of learning that is considered crucial to human development (Jarvis, 2009), imitational learning (mimesis) not only replicates behavior but more importantly associates us with a basic human instinct of belonging (Koulaouzides, 2014). Imitation can beget acceptance but it goes much farther than the notion of "fitting-in" with a group. By virtue of exercising mimesis, one may move from the periphery of a social group to its center through altering the way one thinks, acts, and lives to the ultimate goal of wielding sufficient internal power to generate change (Jarvis, 2009 (Koulaouzides, 2014; Jarvis, 2009).

In the course of educational advancement in higher learning, a myriad of learning theories and practices abound. When we adopt existent learning theories or teaching protocols, we embark on a form of imitation of that externally sourced pedagogy with a goal to bring our students to belong in the group that achieves some mastery of learning.   As first introduced in Chapter 1, the professors' transitioning phenomenon occurs within the context of immutable pedagogical requirements, (teach legal job skills, doctrine and standardized test skills online), and protean challenges that include the conundrum of what online design and delivery methods will be employed in the midst of

THE FOUR PEDAGOGIC IMMUTABLES

Teach Legal Doctrine
Langdell Tradition

Teach to Standardized Tests

Teach Legal Job Skills
Wythe & Turner Traditions

Teach Online

technological and global legal services industry demands, enrollment and tuition crises and multi-cultural factors. Whether through facility-wide administrative decisions, departmental protocols, or personal volition, without exception, W, S, and L have described to me employing teaching methods that for the most part insulate them from the whole of the conundrum save for direct interaction with asynchronous learning and their universities' online LMS platforms.

According to Gadamer's vision, for the Self to existentially experience intelligible space within the conundrums of life, gaze must travel through a lens where world, experience, and language intersect (Wachterhauser, 2002). This Gadamerian three dimensional concept of Self-living-in-space bombarded by these intrusions and impingements is evident in the professors' conversations: Their pedagogy, deeply embedded in the *legal world space* and entrenched in doctrinal tradition through the *experiential classroom space* gives way to teaching in the new *linguistic realm of cyberspace* where law professors must try to function via doctrinal discourse (the Socratic method), vocational discourse (professional skills training), and elearning discourse (asynchronous and synchronous).

Traditional legal education in the U.S. moves into the 21st Century through the transition of its primarily classroom doctrinal approach introduced by Harvard law professor Langdell, (19th Century) peppered in varying degrees by the legacy of

lawyers Wythe (18th Century) and Turner (20th Century) professional skills pedagogy, to arrive full-circle within the proximity of the evolutionary, increasingly more technology-driven pedagogy spearheaded by the ABA revised regulations for law schools in 2014 and paralegal programs in 2013.

Recalling my discussion in Chapter 1, The ABA's modifications are ostensibly driven by the demands of the GLSI, institutional financial concerns, and student demand for more online courses and lower tuition costs.   The major strategic pedagogic changes, (Protean Challenges), presuppose that neither doctrinal nor professional skills training can continue to serve as stand-alone preconditions for legal education outcomes. It is within the proximity of the clash and confluence of these traditions that online law professors find themselves: It is a novel adventure into a new, emergent legal education tradition.

Centering Conversation in Tradition: Immutables and Challenges.

The adventure is not only in the metaphorically existential but also within the method that copes with external conundrums.

As our virtual walk continues, the professors and I recount our conversations about the impinging immutables and challenges—

...In the languid heat of late day, the wind has died into an uneasy quiet.   Minds wander over teaching years... enrollment rosters...subliminal panoramas... names, faces and changing academic experiences...[135]

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[135]When I engaged in one-on-one conversations with each of the professors, I asked about their felt experiences related to the Four Pedagogic Immutables andThe Five Protean Challenges. Portions of the original conversations are omitted that broach specific instructional

S: *Students are constantly changing,...the way they learn and what they're used to. So, you have to adapt your style.*

C: *It seems to me that higher education really is interested in students who want more online teaching.*

L: *I know, we get a lot of requests for online degrees...which we have not done.*

S: *A challenge in online teaching.—To get there to be this coming together experience....[W]e can do it physically with physical space...But in the computer, we can't physically join together to work on the project.*

C: *Do you notice (a) tug of war...with online teaching?*

S: *Absolutely...teaching's an ongoing process and especially law. I'm not teaching history. I'm teaching law. It's constantly changing every day.*

W: *I have to find a way to engage with (students). But, (online) that means I'm spending a whole lot of time engaging with them, especially because they are coming in and out at different times in a week.*

L: *[T]he ABA is getting new...standards...*

W: *I think all of my colleagues and I would say that in terms of classroom teaching, the new ABA Standards change nothing...We've always taught professional skills...of analysis, of reading and understanding legal materials...The classroom is all about professional skills. (It) isn't about reading a Gilbert's full of legal doctrine and having to recite it back the rote way. It's all professional skills.*

L: *[W]e do a lot of assignment work where (students) draft documents and pleadings... I have a contract drafting book that I use. I...give (students) a factual situation and have them draw up a contract or partnership*

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techniques and/or applications where the disclosure might breach the identity of the professors, their universities, or students.

agreement or a limited liability company. In my property class, we draft up a note, mortgage, deed, easement.

C: *Do you try to use any Socratic method when you're teaching online?*

L: *[S]omewhat.*

C: *[H]ow do you do (the) Socratic method asynchronously?*

L: *[W]e have these discussion boards where we start threads…And I'll pop in every once in awhile…I'll break in…"OK, is this right?" "How do you justify what you just said?"*

C: *So you actually are functioning…like a Socratic method...A lot of the online teachers are not doing that.*

L*: Right.*

C: *They just let.. threads go and then…comment at the end.*

S: *I use discussion boards. For interaction I use online quizzing and drop boxes for submission of homework...[T]he discussion boards are the more interactive...(I) may require them to view a video in order to complete some homework.*

 L: *[W]e try to get across…legal premises…legal concepts, and legal doctrines...(When) I graduated from law school…and went to work for a small law firm…the first week, the lawyers walked into my office, threw a bunch of papers on my desk and said "Draft up a deed for that". How would I do that?*

W: *(Online) we are required, by the ABA standards to make sure that there is ongoing interaction among the students and the faculty members. We cannot just post a bunch of lectures online and give weekly quizzes on content. If I did that, I'd be in violation of the ABA rules.*

> **When the conversation turns toward my assumption that law professors are required to teach to standardized tests, strong differences of opinion erupt...**

S: *[B]ecause I…have a JD, I probably teach <u>from</u> standardized tests…the BAR…it's in my subconscious…*

W: *I think most of my colleagues would...say, "We don't think about teaching standardized test content.*

S: *I'm aligning what I'm teaching...with what may come from studying for a standardized test.*

W: *It's a mutual thing. What the profession says is "The important content that we need to teach is what we try to teach." But on the other hand, what the profession chooses to test on the… exam is impacted by what they think is being taught..*

L: *[A]ssessment is a pretty hot word in higher education now...I give…my own standardized re-test in each course for assessment purposes. [I]nstead of giving a post-test—the same test, I take the average scores of the pretest and compare them to their final exam scores. So that's one way in which we do assessment.*

W: *[T]his idea that standardized test content must be taught, I just don't think that's a right way to look at it.*

S: *[O]ne of the things I do,…I remind my ….students, "Your…supervising attorneys have taken the Bar Exam and after you go through law school and have taken your Bar Exam, you can't undo how your brain works".*

W: *It's really what the profession thinks is important that drives both what happens in the law schools and what gets put on…exams…It's not what the…examiners know or have a clear view that dominates. It's what the profession at large thinks is important…and that's influenced by what professors as well as practicing lawyers think.*

S: *I agree that standardized test content must be taught. I don't agree that I'm teaching the material for students to perform well on the standardized tests.*

C: *What about the fact that some of the…examinations are...(in) a professional skills ...format?*

W: *When they're given an assignment as though they were in a law firm or working for a judge, they're given a professional skills assignment and they're given a library of materials from which to prepare (the professional skills) assignment... …(Examinees) don't actually have to have any particular substantive knowledge. They're given a library. What they have to have are the professional skills, the ability to write…the ability and information to plot out issues…*

Adaptation: Conscious and unconscious.   Adaptation may be the most significant of the three transformative learning processes. Conscious adaptation occurs "when we understand exactly what is happening around us and we decide to adjust our behaviour and our attitudes to the environment...[T]here are circumstances (where) we adapt to our environment unconsciously (and) dramatically" (Koulaouzides, 2014, p. 4).

To survive in hostile nature, conscious adaptation is essential and water is vital. There are many ways to look for water in the desert when none can be seen. One way is to seek out a sandstone outcropping. Water rushing through the rock can sometimes form a **narrow canyon**. Within a depression in the canyon floor, a pool of water may remain.

... *The dunes now arc high around us. We have walked this far distance in pedagogic contemplation and conversation but with little thought for preservation*

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of bodily Self. As Gadamer warns, adventures into new worlds can be dangerous.— These impenetrable towers of sand betray us.

Thirst overtakes mind. Steeper and steeper, the dunes give way to a [rocky narrow canyon](#) that begins to twist and turn through shadowy browns and tans. In hope of finding even a small shaded pool to quench our thirst, we all walk on. Then, a bit of color appears fluttering from a crack in the wall. Instantly, I know what it is.—The missing red bandana I hid at Bridgefield!

Is this an harbinger of good to come?

A sign to move forward?

Someone is marking the way for us.

But who?

And who owns the drum?

Ahead, a pale blue light shimmers on the canyon wall. Spirals of color spill down exquisitely sculptured stone. Like a desert phantom, a wide pool appears reflecting our images from light far above. W reaches down to dip a hand quickly. When it comes up wet, we all fall to our knees and drink deeply.

The pool is no mirage...

Sometimes giving way to adaptation in the wilderness is beneficial and sometimes it is not. Sometimes following a path that has been blazed before is beneficial and sometimes it is not. Sometimes adapting to new learning worlds is easy and sometimes it is difficult. The Five Protean Challenges that impinge upon the professors' transitioning lifeworlds demand adaptation. The demand burgeons for law professors and their universities to implement more technology-driven legal education

modalities, to prepare students to find jobs in an increasingly digitally and globally

serviced public, to take measures to bolster dwindling enrollment numbers and quell

rising tuition, to become

increasingly sensitive to culturally

diverse students accessing courses

from around the world, and to

purposefully invest effort to find and

implement the most effective online

learning designs for teaching law

digitally.   For whatever reasons that

are beyond the scope of this study, in our one-on-one conversations, W, S, and L

speak only peripherally about these external forces.   In primarily insular tones and with

limited acquiescence, the professors generally address the challenges as far removed

from influencing their day-to-day teaching worlds.

> *Now as we sit, resting within this cool shelter, the professors express thoughts*
>
> *about The Five Protean Challenges...*
>
> **L: *The Technology Driven Demand…The market is demanding more and
> more online education as far as students or "customers" as sometimes
> they're called. I think it's probably universal… [T]here is a bigger demand
> for online education.   That probably applies to any field.***
>
> **C: *Things...are impinging on students. With the enrollment and tuition
> crises and the fact that... universities have lower enrollments. Students are
> getting out of law (or paralegal) school. They can't find jobs. Part of it
> is…out-sourcing to other countries.***
>
> **L: *Yes. That's what I've found, too. The out-sourcing of legal services.***

C: [B]ig law firms particularly are outsourcing... their paralegal help. They don't have as many junior lawyers in their firms.

L: I'm just familiar with that through seminars I've been to where it's some of the very large law firms that do that.

C: [L]aw schools now have students that are coming either in person to the law school from other countries or they're taking online classes...Some of (the multicultural limitations) have to do with students that come from other countries. American law...may conflict with the law of their countries.

S: [W]e have students coming in from other cultures who…for the most part seem eager to learn U.S. law and understand that there will be differences.

L: I had a student from (a foreign country)…I had a student from (another foreign country). I had a couple of students, (both practicing attorneys) from (still another foreign country)... They came here one semester…and took several of our courses.

C: So, did you find that there was any feeling on their part of conflict, or did they... conform to learning American law?

L: They did. These are all students who had a law degree from (their) countries which (is) equivalent to our baccalaureate degree.

S: I'd say more than anything, there is more of a socio-cultural challenge. In my business organizations class, we talked about fictional names and the rule that the person's sir name has to be in the name of the business...Coming from a different culture...that uses naming conventions for people differently, (my) student...did not...get that assignment because she didn't know what a sir name was.

L: [A]s far as arguing or saying one (one country's law) is better than the other, I've heard very little of that.

C: *There may be clashes...In the (research) literature on American law schools...There are some people that have a real controversy about saying " [Y]ou can't offend people (from) other countries with your American law". [T]hey feel like, "I'm going to go back to my country and I'm going to be practicing something else."*

L: *Most...don't make a comment, "Well in our country, this is the way it is." But I had an attorney from (a foreign country)...I think had been engaged in the practice of law in government contracts. The course he took was Contracts. He was not belligerent...but he had a lot of comments (about) our American law on contracts....Comparing it with the law of (his country).*

C: I understand you don't discern significant multi-cultural limitations teaching online. Do you experience other types of inter-personal limitations?

L: *(When) I started teaching (online)...The first thing that struck me...students felt like you couldn't see them and you didn't know them...[T]hey get brave when they get online: "I'll just put it out there.— (They) don't have to face (me)".*

C: Without synchronous communications, law students see their professors as somewhat characterless. Law students want to know their professors' personalities. They want to engage in two way communications that strengthen that knowledge from telephone contacts, real-time one-on-one or whole class chat sessions and videoconferencing through platforms like Skype and Zoom.us.

L: *Some people teach only online and that's their thing. And they would never want to teach in the classroom. Good for them.*

C: How..."at home" do you feel...teaching online?

W: *The first time (teaching online) not very...The things I was doing, some of the things I was having to do were things I don't normally do. I would not*

normally give a lecture on every single topic in the class I'm teaching. That didn't feel very comfortable to me...I don't like lecturing...

C: (Interrupting) Law students want to hear your lectures. But they feel anxious because often there is no way to ask questions on the fly when they are puzzled about lecture content. Asking questions in a professor/student(s) chat room later is too late. Students want lectures that are as close to classroom experience as possible. That includes being able to ask questions and get answers in real time during the lecture, the same way they can in the classroom.

L: I feel comfortable doing it. I still prefer the classroom because I like the oral communication back and forth and the bantering back and forth...that I can't really get online.

W: Much less talking into a (computer screen)...Trying to maintain eye contact. So that's very...disconcerting and uncomfortable.

C: Law students think it would be less uncomfortable if they were involved in real-time, two way communication. Many of them are digital-age students used to instantaneous communication.

Don't be afraid to adapt new ingredients into your own techniques, and traditional ingredients into new recipes.

—Jose Garces (in Ramos, 2012)

L: [Y]ou know...there are students that will not take an online course....and other students, that's all they are looking for is online courses.

C: Professors may take it for granted that if law students are interested in taking elearning courses, they are doing so because they are independent, self-motivated students, with positive learning attitudes who can easily

collaborate and cooperate in cyber-space. As a matter of fact, many of them are trying to squeeze legal education into lives filled with full-time jobs and families or are simply unable to take the time out to commute to a university for classes. They may be young, or older, or international students taking online courses from thousands of miles away.

W: Seeing (students) come in the class, chatting with (students) before the class… [Y]ou get a feeling that you know that person.

C. You can get to know law students in an online learning class. Law students welcome online surveys that ask about their learning styles, their learning goals and aspirations, and what they want to learn so that they feel prepared to start working on day one in a law firm or other legally oriented position in business, education or industry.

Do you think…if you are doing an asynchronous class, there would be some way that you would be able to develop (personality) …before you start teaching the asynchronous classes?

W: You could meet with the students before you start teaching them. That would be…a pretty good way. If you had an informal meeting that they were all required to come to…But…they can't all be there everyday at the same time.

C: Many law students enter online courses bewildered by their universities' online delivery systems. The students may be well-versed in mobile device use but may have never taken an elearning course before and find posting comments and analysis on discssion boards awkward and daunting. They just don't feel at-home online.

S: In online teaching, there are different aspects of it where everyone's going to feel more at home doing certain things. I feel at home in interactions.

W: I feel completely comfortable engaging in a conversation via email and…dueling posts. [I]t is engaging in conversation when you email... It's a threaded...public conversation.

S: The technology part of it, I'm pretty much always at home with. (But) I personally…struggle with writing. What I'm thinking might not be what's coming out in the words I type. Whereas, if I speak it, it might be better.

C: Even though they may also find writing a struggle, law students want professors to engage in frequent and immediate feedback about the content in their writings posted online.

S: [W]hen I have discussions that are true discussions…I monitor, but I allow students to have some back and forth…I break in…if there's…confusion…everyone's kind of swimming…if it seems to be getting hostile or if it seems to be getting away from the subject.

C: When you do that breaking in, do you feel at home?

S: Absolutely...I've started recently…doing audio feedback on an assignment and sending that to the students. We can send audio emails through our LMS.

C: Law students do want professors to "break in" to alleviate confusion and misconception about legal concepts and legal applications so that time is not wasted trying to learn and then "un-learn". Professor visibility through posts, frequent individual written feedback and video and audio applications make the online experience more realistic professors more personally accessible.

S: It's that humanity thing. If they hear my voice, they can tell that I'm not disappointed or I'm not coming down on them but I'm encouraged…I'm suggesting rather than criticizing. You can add that element of, not body language, inflection.

C: Do you think you'd be equally as comfortable…if you did (feedback) as a video? Would you feel as at home doing that rather than just an audio?

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S: No. I definitely feel more formal and stiff when I video….Honestly, the permanency of it. If I'm in a video conversation with a student like Skype, I'm fine. But if I'm recording a video that could be watched over and over and over, or shown to someone else….maybe (it is) just...attorney paranoia.

L: I'm wondering, "Is the student sitting at home in their pajamas—are they listening to me more on the screen...or less than what they would do in the classroom?"

C: Online law students may become distracted and bored if lectures on legal doctrine dominate the elearning experience. Students want professors to provide self-help quizzes and study tips to enable students to find their way through legal doctrine and skills concepts as well as through the online learning process itself. *Is there anything specifically about teaching online that makes you really feel like you're…not at home and it creates a tension…between your professor life and your personal home life?*
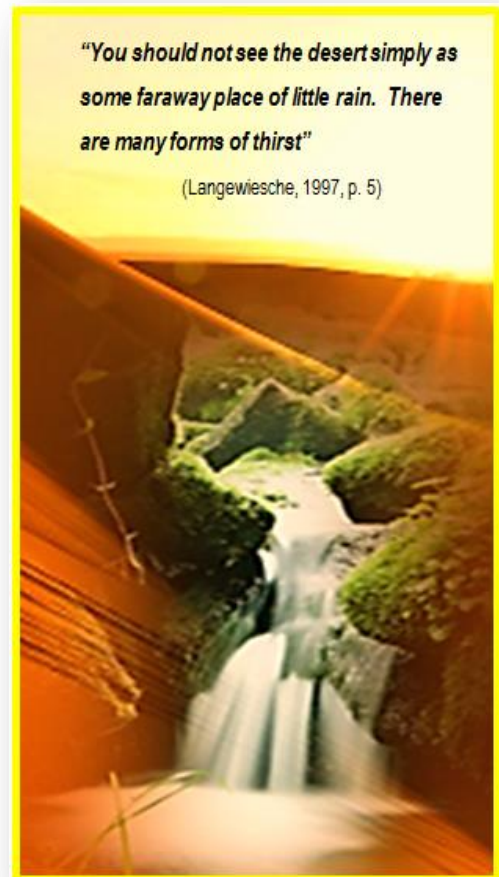
W: —The feeling that I need to be available all the time…You feel like if a student has a problem or if a student is not submitting work at an appropriate time, you feel…you have a duty to respond to that problem promptly even if it's on a Saturday night.

L: Basically in (an) online course, you're going to a blank screen, and a 3 credit hour course—sixteen weeks. There's a lot of stuff to put on there.

W: (Online) they have a lot more assignments that they have to turn in. So, you have a lot more occasion to be monitoring…They might be presenting you with questions or issues at any time. So, you feel much more…like office hours 24/7.

S: The technology…doesn't always work...[Y]ou recorded and you lose it, you have to redo it. With writing, you can save a draft. So in that way I'm not at home with that process yet…It doesn't always work right.

C: Law students are also uncomfortable and frustrated with technology that does not work and other elements of elearning courses that waste time or provide artificial online learning experiences that are so distracting as to interfere with addressing the subject matter at hand. In that regard, law students want to see that their professors are comfortable with the elearning formats and delivery systems so that the process goes smoothly. Students see time wasted in an elearning course as taking away from families, jobs, and other personal pursuits.

> "You should not see the desert simply as some faraway place of little rain. There are many forms of thirst"
>
> (Langewiesche, 1997, p. 5)

W: *I had students here in my classroom and then I had students in the classroom at the (other location)...I just never felt the students at the (other location) were actually in the room with me….At the back of our classroom were large television screens…The classroom at the (other location)…Those students were way back there. I did go to the (other location) and teach there in person, and then I felt much more…at home. I actually got to meet the students. That felt more normal….Seeing their personality other than as somebody who's answering the question…That's more comfortable.*

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Heuristically pathic understanding: Redux, prospectives, and changes. In the Prologue to Chapter 1 of this study, I began by observing, "Living in the 21st Century lawyering world is chaos."   After introducing the crises facing law professors and their

institutions, I noted "The existential self is increasingly more difficult to find in the 21st Century. This is the age that shies away from 'person' to embrace the personified masquerade of intangibles, inanimates and the globally magnified" (e.g. Big Law, legal education). I also opined, 'The whole world is inhabited by existential things" (e.g. the global at risk, the BBC, TV sit-coms, The euro common currency, corporations, German beer, medicinal marijuana shops, football, digital cameras, the entire European continent, IBM, Santa Claus and maybe even existentialism itself).

This study offers a return to phenomenologically exploring human existential crises: a targeted focus into the lifeworlds of three law professors' expression (both descriptive and interpretive) of six dimensions of felt experience. The professors' individual conversations with me, the virtual composite round table conversation under The Great Tree and this Chapter's virtual walk through the desert longing for home focus my inquiry lens on how it feels to struggle, question, and triumph while transitioning to teaching law online. Yet, however novel the methods and revelations in this study, my efforts at phenomenological meaning-making count for little unless exposition of the professors' lifeworlds is pondered not only in a context personally intrinsic to law professors but also for what that specificity suggests about the very real global chaos in the 21st Century lawyering world.

"No phenomenon is a physical (real) phenomenon until it is an observed phenomenon' (Skully, 2007, p. 191). My research paradigm embraces hermeneutical phenomenology and, save for my outburst of prejudice for synchronous learning modalities, eschews solutions in favor of situations. Moreover, in the metaphysical sense, what the professors and I have to say, whether in reality or virtually, provides

an observational, yet perhaps sobering compass within the ever-changing real world of law. Moreover, conducting this study has waxed not only a profound shift in the way I look at the world of law but more importantly, caused a dramatic change in my Self professionally, personally, and pedagogically.

At the beginning of Chapter 5, I forecasted that the Adventure Into Pathic Understanding embraces the search for heuristically and pathically informed pedagogical practice (van Manen, 2007; van Manen, 2014).   As I now contemplate what I have gained professionally, personally, and pedagogically through conducting this research study, John Dewey's concept of perpetuating educational growth comes to mind:

> [L]ife is development, and that developing, growing, is life. Translated into its educational equivalents, this means (i) that the educational process has no end beyond itself; it is its own end; and that (ii) the educational process is one of continual reorganizing, reconstructing, transforming. (Dewey, 1916, p. 59).

Dewey clarifies that educational growth cannot be attained without plasticity:

> [P]lasticity...is essentially the ability to learn from experience; the power to retain from one experience something which is of avail in coping with the difficulties of a later situation. This means power to modify actions on the basis of the results of prior experiences, the power to develop dispositions. (pp. 52-53)

In an innovational unveiling of new perspectives on how learning can be transformed and can transform presented at the Adult Education Research Conference

held at Kansas State University in 2015, Dr. Chad Hoggan[136] proposes a new, broad

definition for transformation that echoes Dewey's call for dispositional change and

plasticity to achieve educational growth:

> ***A dramatic change in the way a person experiences,***
>
> ***conceptualizes and interacts with the world.***
>
> (Hogan, 2015, p. 5 [emphasis in text])

While the tenants of transformative learning are not components of hermeneutic

phenomenology, what I have personally and professionally learned through conducting

this research study has dramatically changed the way I experience, conceptualize and

interact within my lifeworlds and dramatically changed the way I view the horizons of the

lifeworlds of those around me.   Gleaned through analysis of topics presented in 206

research articles, Hoggan's research identifies six categories of transformative learning

outcomes: worldview, epistemology/ways of knowing, self, behavior/action,

development/increased capacity, and ontology/ways of being. Extrapolating from

Hoggan's categories, I summarize below specific ways this research study has effected

deep impact upon me and dramatically changed me personally, professionally, and

pedagogically:

Pedagogical lifeworld-view changes in assumptions and conceptualizations.

- New understanding of and application of a six-dimensional lifeworld view

- Increased awareness of Self (online and real world)

- Increased awareness of Other (online and in real world)

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[136]A professor in North Carolina State University's College of Education, Dr. Hoggan's research focuses on transformative learning and examining the experience of military veterans transitioning to community college.

- Knowing the lens of understanding trains simultaneously upon multiple horizons

- Anticipating a phenomenon's speech and being attentively present to hear

Epistemological changes in ways of knowing.

- Attain a prereflective lens and how to apply it to writing research text

- Become more aware of and open to unanticipated lifeworlds, both real and virtual

- Identification of Self and Other's role in dialogical thinking and writing

- Better comprehend how to identify and embrace existential knowing

- Understand online law professors' longing for classroom home

- Use researcher prejudice as a positive pedagogical force

Self-identity, self-efficacy, and self-empowerment changes.

- Increase sense of personal online pedagogical identity

- Gain ability to identify other educators' online pedagogical identities

- Motivate Self-attunement to students' online intellectual and personal identities

- Empower Self to continually seek best ways to enhance online identity

- Embrace the universal existential themes as guides for Self-understanding

- Accept uncertainty of closure: The search for classroom home continues

Self-action changes.

- Vow to make future application of existentially felt online experience research

- Use research outcomes to identify and improve professorial online authenticity

- Consult universal existential themes to improve online curriculum design

- Be more attentive to the online horizons of Others (professors and students)

- Motivated to invent additional pedagogical uses for color images

Pedagogical development changes.

- Consciously recognize phenomenological presence in physical lifeworlds

- Apprehend and apply blended philosophical, visual, and auditory text

- Discretely analyze and adjust research techniques to deep mine text

- Hone design skills to enhance integration of images and text

- Explore metaphorical and metaphysical power of poetic speech and text

- Incorporate color images to prompt powerful exposition of felt experiences

**Ontological changes in pedagogical ways-of-Being experiences.**

- Atune to "what" is felt during online instruction by both teachers and students

- Keenly listen for the vocative voice of Other (fellow educators, students, text)

- Know more acutely what it means to transition to online teaching

- Embrace the harmony of "Being" online synchronously and asynchronously

The compendium of these dramatic pathic and heuristic changes in my personal, professional, and pedagogical lifeworlds has more fully opened me to heed the Phenomenon's beckoning and demands, become more able to communicate, internalize and reflect on the noncognitive dimensions of pedagogical online practice (van Manen, 2007), and begin to more closely understand what van Manen means when he speaks of the "pathic sensibility" of a particular space and that space's ability to possess the emphatic power to appeal, speak to, and make demand upon my innermost core (van Manen, 2007, p.21).

It is my hope that this study has afforded you, my reader, transformative, dramatic change as well.

Yet, the presentation's vocative voice, (through informal conversation, written text, visual imagery, poetry, and digital enhancement from the web), remains punctuated by question marks for the future well beyond my present concrete affirmations of dramatic change and growth. French physicist, Leon Foucault observed:

> The phenomenon develops calmly, but it is invisible, unstoppable. One feels, one sees it born and grow steadily; and it is not in one's power to either hasten or slow it down. Any person brought into the presence of this fact, stops for a few moments and remains pensive and silent; and then generally leaves, carrying...forever a sharper, keener sense of our incessant motion through space. (Aczel, 2007, Preface [quoting Léon Foucalt).

"[H]ome is everything you can walk to..." (Solnit, 2008, p. 197)
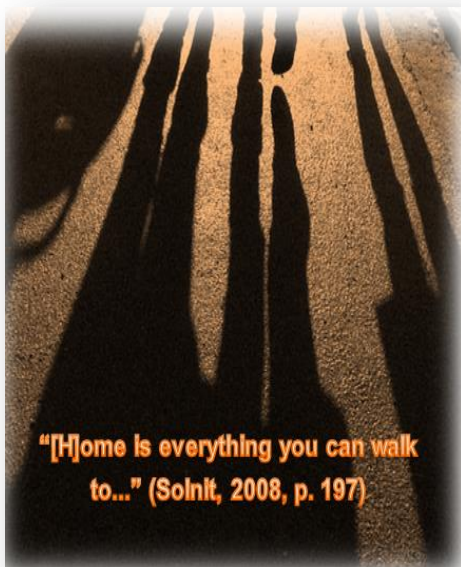
This study cameos a phenomenological exploration about felt experience from the perspective of law professors within the lifeworlds of online legal education. If it proves seminal for future related phenomenological explorations, it may well be through a shift in perspective. It has been my intent to set a new research pace and lens through offering a point of virtual respite and reflective repose for legal educators. As well, it is my hope that the online lifeworld essences revealed in the virtual protective forest under The Great Tree and in the virtual hostile desert as we all walk toward home, can be contemplatively and productively carried forward to spark new clarity.

Just as the journey into understanding what it is existentially like to experience pedagogical transition from classroom teaching to online teaching continues, open-ended and beckoning, other ways to effect dramatic change in how online professors experience, conceptualize and interact with online lifeworlds may emerge. If we as educators and researchers are interested in the contributions phenomenology can make to online pedagogical practice, then further ways of gaining pathic understanding should be explored.   Pathic knowledge is the touchstone of professional competence.   Future research oriented to van Manen's "Phenomenology of Practice" (2007) may existentially reveal "the sense and sensuality of the body, personal presence, relational preceptiveness, tact for knowing what to say and do in contingent situations, thoughtful routines and practices, and...knowledge that (is) in part prereflective, pre-theoretic, pre-linguistic"(p. 20).

Future research could also include other aspects of transformative exploration as identified by Hoggan's (2015) categories of transformative learning discussed above. Research topics that might flow from higher education professor/researchers seeking to extrapolate beyond my inquiries into what it existentially feels like for law professors to experience transitioning to asynchronous online teaching might include exploration of law professors who experience transitioning to synchronous online teaching. In addition, further research could explore existential online lifeworld views of professors in disciplines outside of law, in- depth examination of how professors Being within the transitioning experience find ways of changing aspects of personal and professional Self in order to actively enrich the online transitioning experience for themselves pedagogically and their students academically.

Any forthcoming research could also take several paths to explore other dimensions specific to law professors' and their students' existentially felt online experiences as well: 1) From the perspective of current law students and paralegal students negotiating the complexities of online learning; 2) From the perspective of legal education administrators confronting the complications within the 21st Century Global Legal Services Industry;[137] or 3) From the blended perspective of legal educators and their students sharing existentially felt experiences prompted by pixabay images. However, a joint study of professors and students could prove problematic.— Law students and paralegal students are afraid to express emotional angst for fear of potential threat to bar admission, obtaining a job, or maintaining academic status (Weiss, 2016). Concomitantly, law professors could be hesitant to share their inner-most thoughts with their students.

However, new graduates already working in the GLSI might not feel similarly jeopardized. They have been admitted to the bar (or in the case of paralegals, certified or licensed), have already found gainful employment, and their academic status is historical and not currently dispositive. Primarily focused on statistical data, (number of jobs obtained and salaries earned), no recent studies of matriculated law students explore their occupational lifeworlds phenomenologically or existentially. However, a few studies (*See*, e.g. Morris, 2014; Cleveland, 2013) have asked for narrative responses regarding job satisfaction in which the new graduates speak out in ways that suggest existential angst hovering close to the surface. The newly employed intimate

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[137]As discussed in Chapter 1, they include declining enrollment, higher facility costs, the 2013 and 2014 American Bar Association mandates for law schools and paralegal programs, foreign outsourcing of legal jobs, and the ratio of massive law school and paralegal training graduates to the dearth of jobs available.
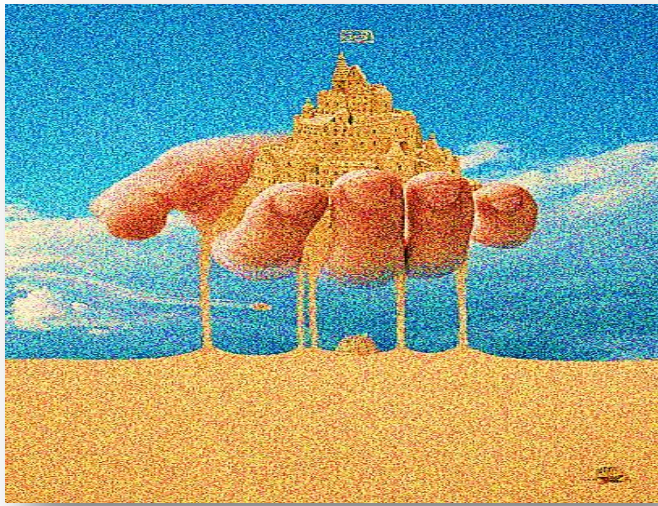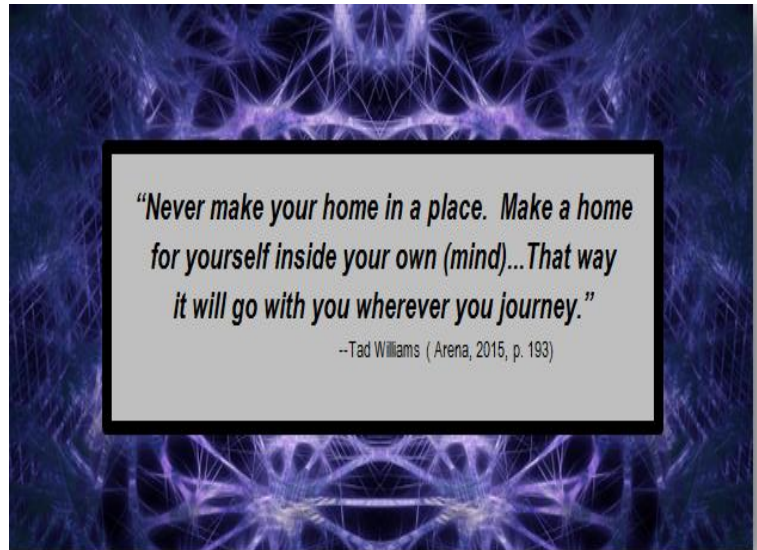
lack of being "at-home" on the job. They offer retroactively melancholy "regret lists" lamenting what they wished they had been taught during their legal education but were not (*See*, e.g. Morris, 2014; Cleveland, 2013).   The novice lawyers recount that law school's doctrinal "dress rehearsal" has ill-prepared them to "perform" in real-time jobs. Their retroactive wish lists raise questions about dimensions of existentially felt experience that may be tapped through future phenomenological research.   Echoing the skills-based legal education paradigms of 18th Century Wythe and 20th Century Turner, the graduates wish their law professors had prepared them to know how to:

- Compete and self promote in the legal services industry.
- Represent clients effectively.
- Cope with senior attorney demands .
- Convey complex information clearly to staff, clients, judges, and adverse counsel.
- Listen meaningfully with an ear to understanding client needs.
- Hear accurately the concerns and issues of senior lawyers assigning projects.
- Research and write artfully and convey cogent conclusions in real-life situations.
- Multi-task to increase billable hours netting revenue for the law firm.
- Understand the "nuts and bolts" of law practice (office management, billing practices, computer technologies, dynamics of human interaction).
- Understand financial documents of all kinds.
- Conduct meaningful written discovery (drafting interrogatories, requests for disclosures, production, and admissions).

- Undertake efficient deposition practice (of witnesses, parties, and experts).
- Display professional etiquette, ethics, and networking skills necessary to appropriately interact with clients, judges, and other attorneys.
- Think critically, credibly and sensibly in the face of day-to-day upheavals (Cleveland, 2013).

Decidedly skills-based rather than doctrinal-based, their regrets suggest a longing for finding an "at-homeness" in new jobs that may have been enthusiastically imagined but instead materialized into bewildering and beleaguering physical, mental and emotional demands. Their yearnings resound and should be explored both heuristically and pathically.

"Never make your home in a place. Make a home for yourself inside your own (mind)...That way it will go with you wherever you journey."

--Tad Williams (Arena, 2015, p. 193)

> To understand...in the pathic sense means to "(perceive) the world in a feeling or emotive modality of knowing and being". (van Manen, 2007, p. 21) The phenomenological pathos is the loving project of bringing all the living of life to meaningful expression though the imageries and languages of phenomenological writing, composing, and expressing. (van Manen, 2014, p. 18)

> Interjecting more phenomenological practice into our pedagogy may well mean spending more pedagogical time practicing phenomenology.—It is through Being in the spirit of remaining unabashedly open to apprehend new ways of feeling experience

existentially that dramatic lifeworld changes may occur. This is Being within the pulse of the profound, the quotidian and the mysterious:

Conundrum—Logical. Irrational. Imponderable.

Drumcall— Hueristic. Wonderful. Pathic.

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... The drum. I press a hand to its resonating surface. It cannot be muffled. An enduring voice cajoles and compels.—

"Humanity's vast compass, its oblique anonymity, its crushing multitude of specks scuttered across eternity.— Within a single professors' lifetime, how many thousands of students enter horizonal range? Do they escape our unfeigned discernment? If we see them, is it obliquely, straight on, micro-dimensionally? Do we see them at all?"

"There is a redemption in full reciprocity, a distance to which Gadamer will not quite go. For Gadamer, the felt experience of the Other is fairly or unfairly depleted in order to rescue Self.   But when Other becomes Self and Self becomes Other, and each at last sees Other-self, then prejudice begets knowledge and dialogue truly becomes human understanding. If we cannot as law professors go so far, we succumb to wallow in Self-gratification's myopicity. The exquisitely multi-dimensional lifeworld sphere is where we should dare to abide, unveil what it feels like to have fairly played the game, pay tribute to those that have come before, and herald those who come after, knowing not only how to attend but also ascend to festival."

Have I spoken aloud? If so, W, S, and L remain silent. As we rise up to walk on, a sudden burst of air whirls through the canyon's chute tossing sand dust high around us. Steady light beams from above faithfully ignite each glistening jewel caught in fledgling flight.

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In his book, *The Desert* (1913), John Van Dyke muses, "The deception of distance...[H]ow the long leagues drag out, spin out, reach out!...[T]here are no short distances in the desert. Every valley-plain is an immense wilderness of space (p. 114). Sometimes scrambling the distance out of a desert canyon proves much more difficult than walking into one. When the ascent is arduous, a well-placed ladder can assist.—

...A sliver of sky penetrates a rift of rocks too steep to scale. Marking a precarious span of distance to the top, an ancient ladder anchors in the sand.   We climb, the old wood creaking as it shudders under weight. Emerging into the blazing sun, we are atop a giant pinnacled dune.   Sheer drops hide any discernable paths of descent. Across the

horizon, an impenetrable mass of towering rocks shimmer, blocking any hope of

walking on.— Even if we could somehow reach them...

****

The visage of a mirage "trembles and glows too much...intangible, hardly of earth...little more than a shifting fantasy...of color and light" (Van Dyke, 1913, pp. 126-127).   When sunrays pass into the earth's atmosphere and are bent or deflected in obtuse angles or long descending curves, a mirage appears as an image hanging in the air. "The eyes recognize this but the mind refuses to believe it and hence is deceived" (p. 120).   Buttes may rise up from the ground, first one and then another, until there is a

range of them...[E]ven in illusion, (they) take on a wonderful...hue...and...seem to drift up on the sky as upon an open sea" (p. 122).

...Far below, four old men sit. Within a glowing orb before them, an eagle tests its wings.[138] Each one in turn grasps the burning sphere. Then, one by one, they look straight up into our eyes. At once in trembling mass and glare of sun, the eagle escapes and flies unbound. And still an echo in the wind, the old drum sounds...

Turner, Langdell, and Wythe—
Old sages of the Bar
Walk forth and then afar
To show the way
Where ancient laws retrace
The labyrinths of time and space.

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[138] The Eagle Nebula born in clouds of cold hydrogen is a soaring pillar of stars 9.5 light-years or about 57 trillion miles away from earth. Energy from young stars in the pillar have sculpted the towering eagle rising up out of the gas. The eagle itself may be a giant incubator for newborn stars (NASA.com, 2015).

One old man remains. In solemn tone, he beckons with raised hand,

"Don't be afraid. Walk on."

Walk on? Or plunge off?

Laughing, the old man calls up again,

*"Keep your nose out over your toes... and then...just go!" (Birkby, 2008).*

Ah! I understand. It is just like a steep snowfield descent!

Deep breaths, we all launch out over the rim!

Knees locked tight. Left leg. Right leg. Left— In an avalanche of sand and at velocity,

we slide away, heads back, laughing into the wind. And as we drop, the dune begins to

sing.[139] Humming, booming sounds, harbingers of bows on giant fiddle strings.

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[139] Musical sand in the desert consists of silica with just the right abrasive characteristics to make sound when it moves over itself. There are thirty desert places in the world where sand dunes sing including **The Great Sand Dunes** in Colorado. Like the strings on giant musical instruments, the moving grains of sand on a dunes' surface vibrate while the harder and damper sand below reflects and magnifies the **sound of the falling surface grains** as they avalanche down. The sand dunes can sing at pitches ranging from E to F to G and the greater the distance between the loose surface sand and the harder sand below, the lower the pitch. There notes can be heard oscillating in random succession: F-F-E   E-G-F G-E-F G-G-E...(Trexler and Melhorn, 1986).

Then, we land. Horizon unbound: above, below, around. Images streak across the sky. A new place, a new voice, a new cry.—New space to understand longing singing in the sand.
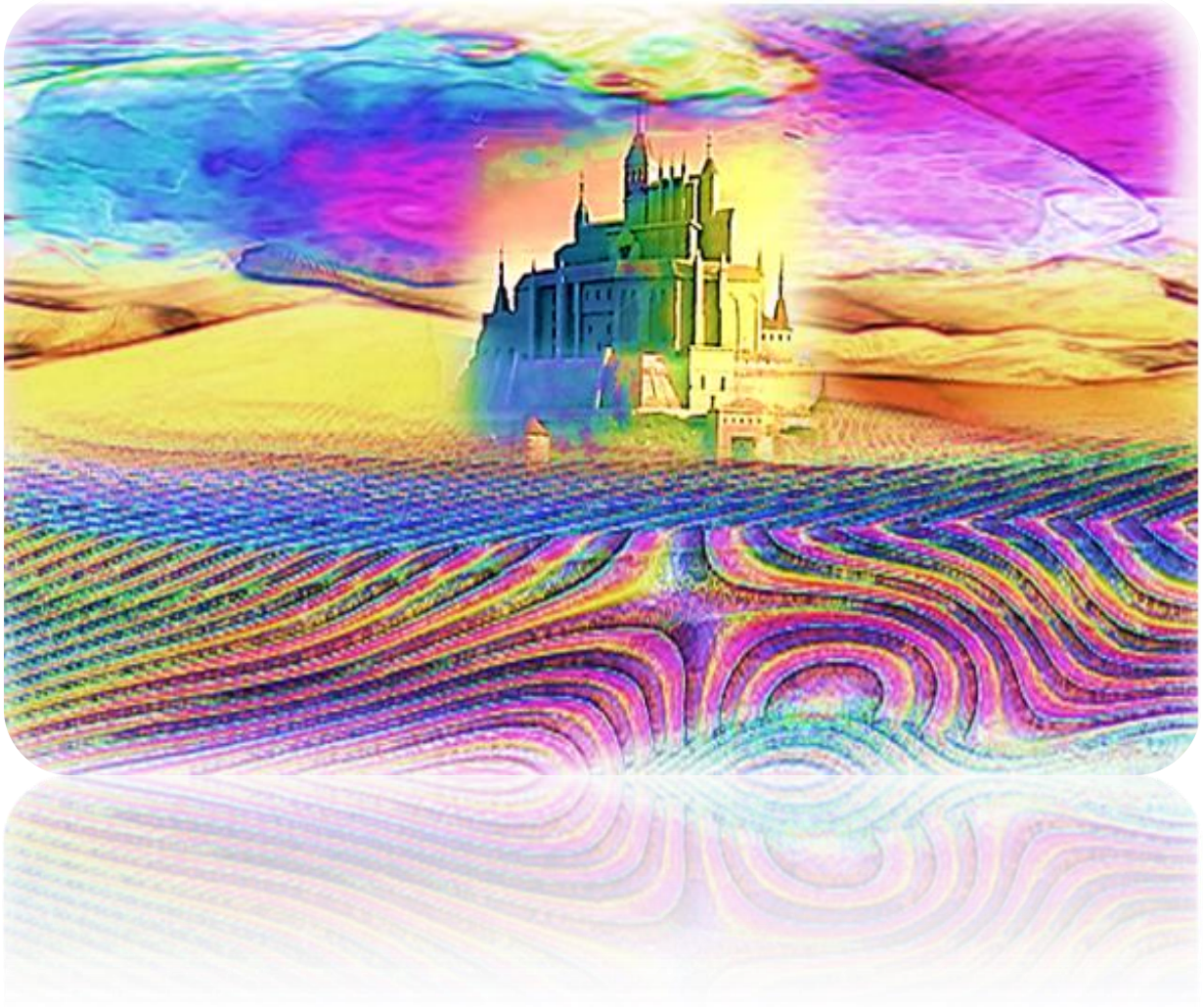
The withered drum, now silent, is still with me unscathed. Ahead, the old man bows before our gaze. From inside his cloak, he draws my battered cap. I reach out to offer the old drum in exchange. When, at last the old man holds the drum hard pressed unto his heart, it sounds a beat to which we keep in step, eager to depart...

Old Man before A Drum

There, only Eagle dares to fly
On air streaming brink of time,
Confused in earth and sky;
A band only Eagle's eye
can see and understand;
line spread across the hill,
where wisdom peaks
to meet the wind and still
horizon's ebb and flowing sand.

Far below, old drummer
walks in shadowed land,
footprints drag
ten thousand ways,
jagged trails rise upward steep,
then deep in valleys' daze
Old drummer walks, asleep.

Half in dreams, old Drummer goes
a-thirst to teach the signs of age,

A draught in time to sing,
to slake and share and pose;
yearning to impart, to bring,
to climb the ancient tower,
Hoping old wisdom
still makes the desert flower.

Where crystal sand burns sky,
Old drummer dreams
he teaches truth
beneath the Eagle's eye;
He faithfully repeats in sleep
the beats to mark the day,
Not knowing how or when,
horizon dropped away.

Late-arrived at hallowed hill,
The journey done in nearly night
Land lost in desert chill,
The old man ends the walk,
In shivers and in dozing dreams
of thunder-drums, primed to talk.

While he sleeps,
Familiar ends in shock,
horizon draws a line no more,
a blur,
A Dance at will,
an angry cur
to shift and squirm and mock.
Old drummer wakes
to bare fresh pain,

and somehow knows
nothing will ever stay the same.
Something. New. Changed.
fear creaking weary bones --
the hill, the sand, the sky,
all re-arranged.

Drummer in defeat,
old and bound
cannot take the beat;
back-talk rings out
robust and un-named,
insisting, ready to defy;
young drums echo beyond the hill
brash and bold under desert sky.

Head low, old drummer shakes
to speak,
in whispered breath's dis-ease,
afraid to know all that Eagle
hears and sees:
"I cannot lay my hand on drum again.
This other pulse jolts and
defies to win
margin beneath the sky.
It's not the same drum--
a different pitch,
a different claim
beating palpable and fast.
Horizon is broken, can't outlast
this thrumming I cannot name."

Eagle rests upon the breeze,

Slow to chastise, yet freely sees

Old drummer succumbed and weak.

Eagle sighs and lands and speaks:

"Mark this well,

this learned truth--

There Is Youth In Old

And Old In Youth.

Drummer man, too deaf to think,

Unwise, you block the sound--

While young-drum beats

Proud, profuse, profound;

You hear nothing

save your banging bore,

Useless pounding on desert floor.

Unless you seek

to drum in harmony,

You will drum no more."

No pure dialogue begins,

No drums transpose, aspire,

No one wins in unilateral desire;

No selfless wish exists

in just degree

If lost to understand,

to hear, to see

The desert only blooms once more

When truth rains down

In empathy.

VIDET AQUILA

CANIT DESERTUM

ITA UT VOLARE[140]

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[140] The Eagle Sees
The Desert Sings
So We May Fly

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