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Weathering the Perfect Legal Storm: *Novel Virus, Novel Instruction, Novel Course*



As a mother of three boys, I am fond of the saying “The best things in life come in threes.”¹ The power associated with and symbolism surrounding the number three is also found in folktales like “three wishes, three guesses, three little pigs;”² in Christian faith and belief in the holy trinity;³ in story-telling using the framework of beginning, middle, and end; or for comparison purposes referring to small, medium, or large. Further, the scientific community often conveys findings and revelations in a series of three, such as, “accidents spark awareness, coincidences spark

curiosity, and patterns spark discoveries.”⁴ Similarly in law, there is purposeful meaning associated with groupings of three. For example, the checks and balance system and legal framework of the United States government are structured as three branches: the Executive, Legislative, and Judicial, and the structure of the U.S. court system: lower level courts, appellate, and highest state or federal court. In a proverb regarding educators, Confucius informs us that “Walking among *three people*, I find my teacher among them. I choose that which is good in them

and follow it, and that which is bad and change it.”⁵ For this legal educator, in the spring and fall of 2020, three simultaneous and novel events-Corona virus, virtual synchronous instruction, and teaching a new interdisciplinary course for the first time, created an environment that could have resulted in the *perfect legal storm*. Instead, these events contributed to beneficial teaching and learning experiences from which arose many “first-ever” innovative faculty and student endeavors.

Novel Virus Leads to Creative Faculty-Student Interactions and Greater Productivity

Within the first three months of 2020, the COVID-19 Global Pandemic forced the closure of educational institutions and the majority of employment and workplaces. The impact of this worldwide shutdown abruptly changed the way people in society lived, worked, and learned. Unexpectedly in the middle of a semester, paralegal and other educators were asked to design and execute a plan for how teaching, learning, and assessment/testing would be accomplished in a virtual learning environment. Additionally, educators had to ensure that their students could successfully complete their course work for the 2020 Spring semester and for those students who were eligible, to graduate as planned.

Against this backdrop of unknowns, the paralegal educator also had to consider the physical and emotional impact of this virus on our paralegal and legal studies students and their ability to effectively continue their studies. In addition to new methods of instruction, faculty found themselves addressing and resolving issues regarding access to computers, internet, and bandwidth capabilities, and privacy and security concerns brought about by learning and testing in the new “home-turned-classroom” environments of our students and ourselves.



When my college offered training in the spring of 2020 through a program called Student Readiness Department Initiative (SRD)⁶ my colleague from the Law and Paralegal Studies Department, Professor Jeannette Espinoza, and I eagerly signed up to participate. The purpose of SRD is to assist faculty and students with advisement and other academic-related matters using online navigation software. Although the COVID shutdown postponed SRD training until January of 2021, one of the many immediate benefits of this training was that we created and shared with colleagues in our department an accurate list of valuable college resources with updated contact information that our students could readily access and use in the online environment. Knowing about this navigation tool aided my department with online advisement and allowed faculty and students to explore and discuss other uses of this software, such as providing data about curriculum/degree requirements, scholarship opportunities, and financial aid resources all in one organized and easy-to-navigate place.



The ease of attending or hosting events via the virtual environment was another valuable opportunity that occurred due to the transition to online learning. My growing familiarity with the online environment allowed me to feel confident when judging in the ABA, law school, and high school-sponsored moot court and trial competitions. These virtual law competitions involving no travel afforded me the ability to participate as a judge in more law competitions than possible when they were held on the ground and in person. The flexibility of a virtual environment also allowed me to attend even more informative and timely continuing legal education seminars, webinars, and other professional development opportunities to grow and learn as an educator, online instructor, and legal professional.

Although at times it felt as though I was attending meetings or events around the clock, the virtual environment made it possible to maximize my time and increase my productivity. For example, in one day, due to virtual communication, I could teach a class, participate in a professional development seminar, login to and attend a department or college meeting, hold student advisement hours, and manage administrative tasks required by the college, i.e. mid-term grades and verification of attendance rosters, thus, achieving more productivity. Further on in this article, I elaborate on certain technology conferences I attended, which occurred on the same day as the graduation ceremony of my college. Had I needed to travel to the various locations for each of these events, I would have had to choose which of the events to attend or which may have been mandatory, resulting in attendance for that one event/seminar. With my desktop not only functioning as my physical classroom, but also as my meeting and conference room, I could not only listen and participate in meetings, but could draft outlines and emails, and create advisement plans in real-time addressing the issues and concerns raised in such meetings, and be able to achieve an outcome or produce a working draft before the end of that particular meeting or student conference. My productivity also seemed to grow exponentially the more I sharpened my skills and abilities navigating and learning the variety of features in the online environment and the various modalities and platforms that now existed.



Novel Instruction Leads to Broader Collaborations Across Disciplines and Institutions

During the college closures, education stakeholders—professors, teachers, graduate, and undergraduate students, and staff—rapidly transitioned to a virtual learning environment. Classrooms were not flipped but instead converted to synchronous or asynchronous online instruction via Zoom, Blackboard Collaborative, Google and Microsoft Teams, and other similar learning platforms.⁷ When assessing faculty’s preparedness for online instruction, faculty skill sets and abilities were often classified into three categories: novice, intermediate, or advanced/expert. To assist faculty in this effort to hone their skills, institutions offered training in online instruction and different learning platforms; vendors offered training through webinars; and paralegal educators/faculty independently sought out formal and informal

online training so that their students could seamlessly continue their studies and successfully pursue their degrees in the virtual learning environment.

Despite these various training sessions, I, like many other paralegal educators, sought other opportunities to continue to improve my techniques and knowledge of best practices when teaching online. While developing my skills, I realized that my paralegal studies students themselves possessed a wealth of knowledge regarding online instruction and what works and does not work well for student learning and instruction. “While we teach, we learn,”⁸ became a reality for me. As an instructor, I had several classes to convert to an online format, but each of my paralegal and legal studies students were receiving online instruction from many more faculty members who were using not only a variety of online platforms—Blackboard Collaborative, Zoom, Google, and Microsoft Teams—but also engaging in both synchronous and asynchronous teaching. My paralegal and legal studies

students had greater access to information about what worked and what did not work for them in terms of online instruction than I did. The way to immediately harness and leverage this information was to tap into this wealth of data my paralegal and legal studies students possessed. Student feedback regarding their experiences with online instruction allowed me to in real-time, adapt and improve my course content, and be more daring in using new techniques and teaching styles in my Backboard Collaborative site, such as screen sharing, file sharing, and break-out rooms for team projects or discussions. I also implemented some key take-away features that I learned from attending professional development conferences like the AAFPE online training for conference presenters at the ‘First Ever’ National Conference in October 2020⁹; the National Conference presentation by fellow attorneys and educators Tiffany Johnson and Melanie Synder, “Thirty Cool Things for the Post-COVID Learning Environment;”¹⁰ and the CALIcon21 Virtual Conference, June 2nd through June 4th, 2021.¹¹



Being tasked with simultaneously learning and implementing online instruction for courses previously and consistently taught in person, initially felt like being thrown into the deep end of the ocean before

knowing how to swim. I have heard this experience of learning to teach online while teaching explained as “trying to create a plane in the air while flying.” Once this feat of learning and teaching at the same time was accomplished, I wanted to share what I learned with my fellow paralegal educators. I submitted a proposal about online instruction and together with Professor Joseph Fell, of Cuyahoga Community College, I presented what I learned at the ‘first-ever’ Virtual AAFPE National Conference in the fall of 2020.¹² During the presentation I shared some of my best practice tips for online instruction, keeping students engaged, and effective short and long-term writing assignments to assess student learning all now accomplished in the online environment. The presentation also included a discussion about how student feedback assisted me in improving my online course and online instruction.

With the realization that the hoped-for one semester of online instruction was to expand to a full academic year of online instruction I further developed my online course sites and sought more opportunities to enhance my online teaching capabilities, but realized that the platform could and should be used for other student engagement opportunities. It occurred to me that if I could now comfortably teach in the online environment and my paralegal and legal studies students could learn in this virtual setting, why not provide additional student educational opportunities using the virtual online platform?



At one of the monthly General Education meetings held at my college, I presented the idea for not only a new type of student conference but one held in a virtual environment. My colleagues on the General Education Subcommittee for Experiential Learning (SEL) supported this idea and many took an active role to implement this endeavor. Working with the Associate Provost and Dean of Curriculum and Research of my college, Reginald Blake, and faculty from SEL, particularly Professor Johann A. Thiel of the Mathematics Department and Professor Karen Bonsignore of the Health Sciences Department, we were able to provide an opportunity for all undergraduate students at the college to present and share their research interests and findings in a virtual setting to a potential audience consisting of the entire college community. Within one semester, the 2021 Inaugural Virtual Student Experiential Learning Conference¹³ was both designed and implemented. This scholarly student-centered event, presenting a wide range of student-selected topics including Artificial Intelligence, Business, Technology, and Case Studies, would never have occurred, but for the transition to online instruction.

The revelation that the virtual environment could serve to connect our students in a variety of ways beyond teaching led to the creation of yet another “first.” Before the college shut down in-person instruction, I submitted a proposal for a September 11th Memorial Exhibit as part of my college library’s monthly theme displays. Although my proposal was accepted, the college shutdown meant that

there would be no Library Exhibit in the fall of 2020. Applying the techniques used for online instruction, I redesigned what was to be an in-person exhibit and created the “First-Ever” Virtual Library Exhibit for my college. Through the online platform, I was able to share with the college community artifacts, pictures, and texts paying tribute to and honoring those who lost their lives that day. For the educators based in New York, remembering our emergency responders the Fire Department of New York, the New York City Police Department, the Emergency Medical Service Units, the Sanitation Department of New York, and Iron Workers who showed unbelievable courage and strength that day and for all those whose lives were lost that day as well as their families has become a sacred tradition and now, so has my college’s Virtual September 11th Memorial Tribute.

Novel Course Leads to New Beginnings and Examining Law through a Different Lens

Before the college closure, a colleague from the Humanities Department and I created and designed a general education Interdisciplinary course, *Theatre of Law*. While I previously taught classes in which students were not all paralegal studies students, this was the first time I was teaching a course I helped create that was not designed specifically for students who are in the paralegal and legal studies major. The course was also designed for in-person instruction and after months spent creating the course and appearing before various committees to gain college-wide approval, Professor Sarah Ann Standing and I were excited to combine our professional expertise and begin teaching this new course for the first time in the fall of 2020. However, due to COVID restrictions, the plan for in-person instruction for the *Theatre of Law* course (TOL) now changed to a virtual synchronous platform. Like the students in this class, my colleague and I would be participating in a brand new course utilizing a new and unplanned method of instruction.



In facing the challenge of meeting students from various majors for the first time in an online environment, teaching a new course/new content, and assessing learning in a virtual platform, I realized that while I could draw from my experience of years of teaching, I also needed to step into the role of a student again. Teaching about law to students, who are not in the paralegal and legal studies major led me to think of my time before law school and law practice. By ‘un-ringing the bell,’ so to speak, I challenged myself to see things anew in order to direct my teaching to students hearing certain legal concepts for the first time. Over the semester through faculty-student interactions during online instruction, students who were not paralegal and legal studies majors sought my advice regarding law school and graduate school admissions. One of my TOL students asked me to review a speech prepared as part of his application for valedictorian of the class of 2021. In his essay, he shared the many obstacles he faced in pursuing his higher-education degree and his desire

to continue his education and pursue law school. Reflecting upon the experience teaching this class, I realize that my students, my colleague, and I were pioneers together in this new course venture and I appreciated the trust they placed in me, as I in them.

CONCLUDING THOUGHTS

In his book, *The Fifth Discipline*, Pete M. Senge of MIT School of Management¹⁴ asks us to consider “*If an organization is a ship what is the role of the leader?*” A leader, he opines, “is the designer of the ship who knows how to make change and make things evolve to make the environment better.” It is not so much about steering the boat-being captain, but the ability to make and foresee change that is recognized as the hallmark of leadership. The unexpected challenges of three novel occurrences—a new virus, a new method of instruction, and a new course—seemed to create the *perfect legal storm*. However, this trifecta of sorts, propelled me to be more innovative in my approach to student and faculty scholarship; more of a risk-taker

as an instructor when using the various features of online instruction and learning platforms; and more cognizant of viewing instruction and learning from the vantage point of a student again, when debuting a new course and using a new mode of instruction. As a legal educator, I do hope to not only steer the class through course content and materials, but to continue to foresee, plan, and evoke change in my delivery of instruction and course design to be at the forefront of classroom leadership for the benefit of my students.

BIOGRAPHY

Marissa J. Moran is an attorney and professor in the Department of Law & Paralegal Studies, New York City College of Technology, CUNY, where she currently teaches *Legal Technology, Forensic Science & the Legal Process, Legal Document Preparation, Legal Ethics & Professional Responsibility, and Theatre of Law*. She received her B.A. in Economics, cum laude, from Fordham University and her law degree from Brooklyn Law School. Marissa is admitted to practice before the U.S. Supreme Court, New York State, New Jersey, the United States Southern and Eastern Districts of New York, and New Jersey District Courts. She is an active member of several committees of the New York State Bar Association including *Technology and the Legal Profession, Continuing Education, and Committee on Committees, and also the American Bar Association’s International Law Legal Education and Specialist Certification and Privacy, Cybersecurity, and Digital Rights Committees*.

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