

# OPEN TEXTBOOKS: THE LEGAL EDUCATION EXPERIENCE

---

Brian R. Huffman, JD, MLIS  
Electronic Resources Librarian  
William S. Richardson School of Law  
University of Hawai'i at Mānoa

Hawai'i Library Association Fall Conference  
December 5, 2014

## Overview

1. Legal Education Model
2. Recent Initiatives:
  - a. Law Schools
    - Harvard
    - University of Minnesota
    - CUNY
    - Duke
  - b. Non-profit/Consortium
    - OpenStax
    - OER Commons
    - College Open Textbooks
    - CALI eLangdell
    - CALI Author
    - Authors Alliance
  - c. Publisher Models
    - Aspen
    - West (Thomson Reuters)
  - d. Grants
    - The William and Flora Hewlett Foundation
    - Bill and Melinda Gates Foundation

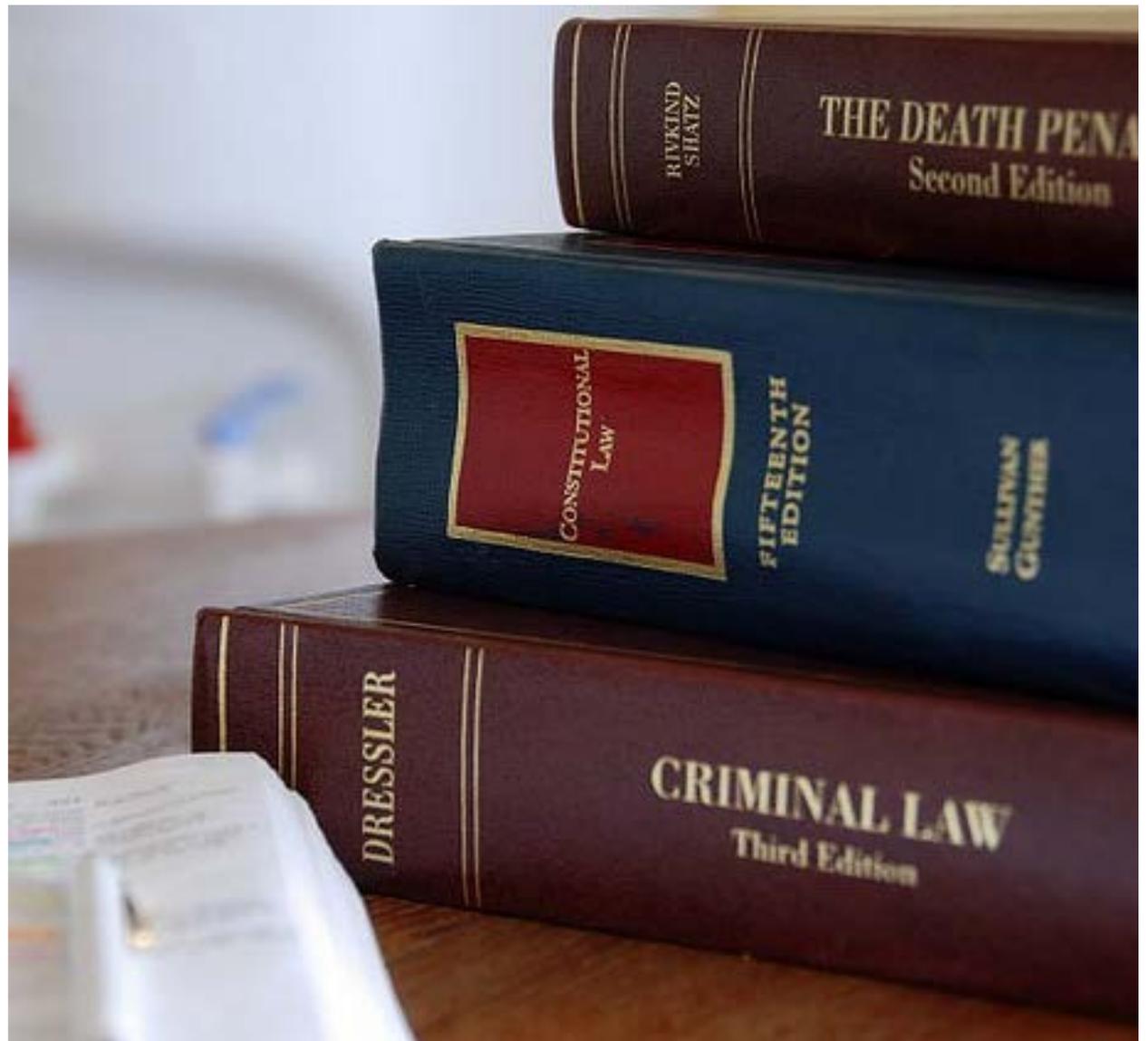
## US Legal Education Model

Many professors rely on  
published material

Expensive for students

Great time expenditure  
to create own works

Name recognition with  
certain treatises



# Recent Initiatives: Law Schools

## Harvard H2O



**BERKMAN CENTER FOR INTERNET & SOCIETY**  
AT HARVARD UNIVERSITY

- Web-based course management
- Open source for dynamic usage (can be remixed)
- Piloted with legal casebooks
- Used in Prof. Zittrain's Tort class
- Now used by over 40 law professors
- Reception by students has been positive

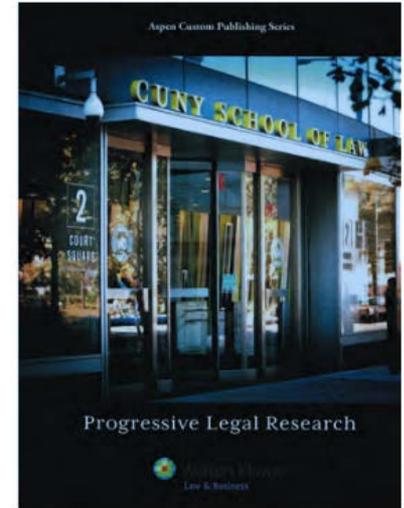
# University of Minnesota Open Textbook Library



- Open source textbooks in many fields
- “Peer reviewed”; can be reviewed by faculty from any institution
- Currently 26 legal titles in the library

# CUNY/Aspen Publishing Partnership

- Could use copyrighted materials
- Had the expertise of Wolters Kluwer on their side = a more polished product
- Had a schedule – done in 2.5 month timeframe
- Had a 3 member editing team
- One editor was tasked with creating a cohesive product overall
- 3 member production team coordinating the look of the final book
- Professors noticed students tended to take reading more serious when professor's names were on the textbook
- Cost of custom textbook was still less than commercial one
- Publisher created index was unusable so be prepared to go without or create your own



## Duke Law: IP open source textbook

Intellectual Property: Law & the Information Society—Cases and Materials by James Boyle and Jennifer Jenkins. The entire book, the first in a series of Duke Open Coursebooks, is available for free download under a Creative Commons license; or you can view and download the individual chapters (in a variety of formats). It can also be purchased in a glossy paperback print edition for \$29.99, \$130 cheaper than other intellectual property casebooks.

Can be edited and customized

## **Is this part of some kind of trend?**

We hope so. This is the first in a series of free/low cost legal educational materials to be published by Duke's Center for the Study of the Public Domain—starting with statutory supplements aimed at the basic classes. The goal of this project, and that of other ones such as the Berkman Center's fascinating H2O project, or eLangdell, is creatively to improve the pricing and access norms of the world of legal textbook publishing, while offering the flexibility and possibility for customization that unfettered digital access provides. We hope it will provide a pleasant, restorative, competitive pressure on the commercial publishers to lower their prices and improve their digital access norms.

## Law School Summary

- Recent endeavor for law schools
- Open source paradigm
- Many texts are peer reviewed
- CUNY shows how labor and time intensive the publication process can be
- Many open texts allow printing of the book for reasonable price
- Not a large body of texts at this time

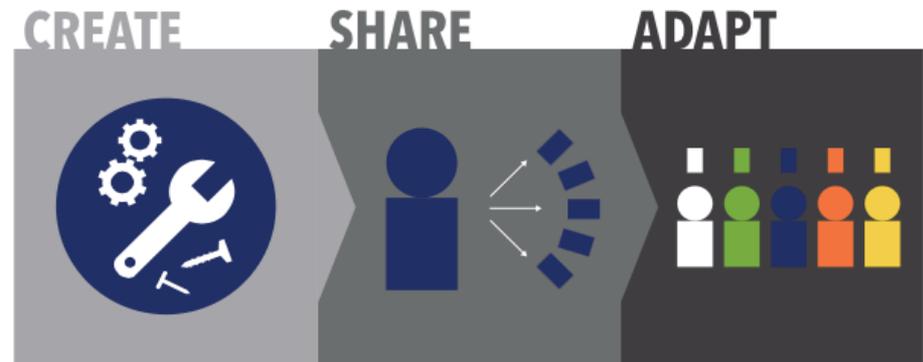
# Non-Profit/Consortium



## OpenStax

- Formerly Connexions
- OpenStax is a place where “small knowledge chunks” called modules can be uploaded by anyone and organized as needed into courses, books, reports and so on.
- There are over 20,000 modules woven into about 1500 collections, many on law-related topics.

Authors can:



Allowing learners to:



# OER Commons



- Created by the Institute for the Study of Knowledge Management in Education
- Open Source
- Licensed under Creative Commons
- Community-oriented with Groups, Network Hubs and Curated Collections
- Few legal titles



Hawaii Math Common  
Core



Hawaii ELA Common  
Core



Hawaii DOE Science



Hawaii DOE STEM

# College Open Textbooks

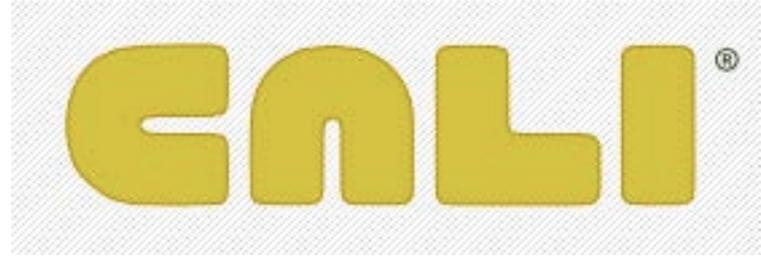


- 29 educational non-profit and for-profit organizations, affiliated with over 200 colleges
- Contains many peer-reviewed textbooks
- Currently 21 legal textbooks on 15 topics
  
- Noticed on their adoption resources page (Kudos HCC):

## Resources

Honolulu Community College [Textbook Evaluation Help](#) -- applies to both open and commercial textbooks

## CALI eLangdell

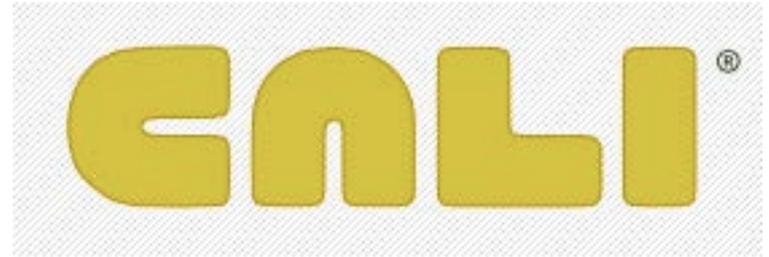


The center for Computer-Assisted Legal Instruction, also known as CALI, is a 501(c)(3) non-profit consortium of mostly US law schools that conducts applied research and development in the area of computer-mediated legal education. The organization is best known in law schools for CALI Lessons, online interactive tutorials in legal subjects, and CALI Excellence for the Future Awards (CALI Awards), given to the highest scorer in a law school course at many CALI member law schools. Nearly every US law school is a member of CALI.

- Currently 37 legal titles available
- Open source
- Free
- Can print for reasonable price from Lulu.com

# CALI Author

- Lesson authoring software
- Edit lessons or create your own
- Great start: **Reviser Project**: Adopt an orphaned CALI lesson, keep it current, get an authoring credit, learn how to use CALI Author lesson authoring software



# Authors Alliance



## Mission:

The mission of Authors Alliance is to further the public interest in facilitating widespread access to works of authorship by assisting and representing authors who want to disseminate knowledge and products of the imagination broadly. We provide information and tools designed to help authors better understand and manage key legal, technological, and institutional aspects of authorship in the digital age. We are also a voice for authors in discussions about public and institutional policies that might promote or inhibit the broad dissemination they seek.

Managing Authors'  
Rights

Authorship Law &  
Policy

Reaching  
Audiences

Authorial Reputation  
& Integrity

## Non-Profit/Consortium Summary

- More focused on changing the system
- More leveraged for undergrad and community colleges
- Small number of legal title
- Some providers allow remixing
- Open source
- Some resources make it easier for professors to create their own texts
- Be cautious of orphaned/outdated materials

# Publisher Models

Custom-made from legal publishers:

## Aspen - Custom Publishing Portal

Professors can create a customized version of a text - by excerpting and/or adding content to an existing text. Most of Aspen's casebook line is available to customize. Pricing is based on the page count and and permissions costs. The site has a video tutorial to walk you through the process.

## West Academic - Law School Exchange

Law professors may view/download review copies of texts and casebooks online through this site. Professors can also join this site and collaborate with their peers on the network to develop custom course materials.

# Grants

## **The William and Flora Hewlett Foundation (K-12 and community colleges)**

- The Program's OER investments will focus primarily on supporting:
- The infrastructure needed to sustain a well-functioning open educational ecosystem
- Demonstration projects that strengthen student access to deeper learning in K-12 and community colleges

## **Bill and Melinda Gates Foundation**

- Invested \$12.9 million aimed at boosting graduation rates, fostering faculty collaboration, and creating new learning tools in 2009 (for community colleges in Washington State).

# Summary and Conclusions

- This is not new: A learning-object aggregator called MERLOT has been around since 1997, and the National Science Digital Library was in large part an experiment in OER aggregation
- Still a lot of work to be done; not many law schools have adopted OER
- We are in the advocacy period. Expect more partnerships and solutions from traditional publishers
- Create a culture that promotes OER; partner with other organizations and use existing resources at beginning
- Early trends show students like the ability to access it anywhere, to not have to purchase (and lug around) a casebook, and knowing that the content is fully customized by the instructor to fit their particular course

# Resources

## Websites

Aspen - Custom Publishing Portal: <http://www.aspenlaw.com/pages/solutions>

Authors Alliance: <http://www.authorsalliance.org/2014/09/02/authors-alliance-members-lead-push-toward-open-and-accessible-legal-education/> (UC Berkeley)

CALI Author: <http://lj.libraryjournal.com/2014/07/opinion/peer-to-peer-review/cali-author-and-open-education-peer-to-peer-review/#>

CALI eLangdell: <http://www.cali.org/the-elangdell-bookstore>

Collegeopentextbooks.org: <http://www.collegeopentextbooks.org/opentextbookcontent/open-textbooks-by-subject/law>

Duke: <http://web.law.duke.edu/cspd/openip>

Harvard H2O: <http://cyber.law.harvard.edu/research/h2o>

OER Commons: <https://www.oercommons.org>

Open Access Textbooks: <http://www.openaccesstextbooks.org/>

Open Textbook Library (University of Minnesota):

<http://open.umn.edu/opentextbooks/SearchResults.aspx?subjectAreald=11>

OpenStax: <http://cnx.org/>

West Academic - Law School Exchange: <http://exchange.westlaw.com/Login.aspx>

The William and Flora Hewlett Foundation: <http://www.hewlett.org/programs/education/open-educational-resources>

# Additional Resources

## Images

<https://www.flickr.com/photos/paige-pics/>

<https://www.flickr.com/photos/melenita/>

## References

Warren Binford, Envisioning a 21st-Century Legal Education, 41 Washington University Journal of Law and Policy 157 (2013)

Emanuella Grinberg, How some colleges are offering free textbooks, CNN, Apr. 21, 2014,

<http://www.cnn.com/2014/04/18/living/open-textbooks-online-education-resources/>

Jane Park, U.S. PIRG Report Finds Students Would Perform Better with Open Textbooks, Jan. 30, 2014,

<http://creativecommons.org/weblog/entry/41906>

Dorothea Salo, CALI Author and Open Education, Library Journal, July 24, 2014,

<http://lj.libraryjournal.com/2014/07/opinion/peer-to-peer-review/cali-author-and-open-education-peer-to-peer-review/#>

Jonathan Saxon, A Customized Creation: Publishing Your Own Legal Research Textbook, AALL Spectrum, Mar. 2014, 25-26.