LIGHTING A FIRE: THE POWER OF INTRINSIC MOTIVATION IN ONLINE TEACHING

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CONTENTS

INTRODUCTION

Motivating students in a live classroom has been the focus of scholarly attention for decades.[1] As online courses and distance learning become more common, attention must shift to ensuring that students are also motivated in their online courses.

A recent review of the websites of the top one hundred law schools revealed that at least thirty of them are offering online courses as part of their law school curriculum.[2] More schools may soon offer online courses given that the American Bar Association (ABA), the regulator of law schools in the United States, recently increased the number of permissible online course to one-third of the credit hours required for the juris doctor law degree.[3]

These developments in online education coincide with the recent ABA Standard 315, *Evaluation of Program of Legal Education, Learning Outcomes and Assessment Methods*. This standard requires the dean and the faculty of a law school to conduct evaluations of legal education and study the results to improve the curriculum.[4] Given that online learning in the law school context is relatively new, law faculty may have limited familiarity with what content and activities constitute pedagogical best practices.[5]

The scholarly literature also has not yet comprehensively addressed how to best motivate students in the online classroom, especially in law

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1. *See, e.g.*, Douglas A. Blaze, *Law Student Motivation, Satisfaction, and Well-Being: The Value of a Leadership and Professional Development Curriculum*, 58 SANTA CLARA L. REV. 547 (2018); Cassandra L. Hill, *The Elephant in the Law School Assessment Room: The Role of Student Responsibility and Motivating Our Students to Learn*, 56 HOW. L.J. 447 (2013); James B. Levy, *The Cobbler Wears No Shoes: A Lesson for Research Instruction*, 51 J. LEGAL EDUC. 39 (2001); Kory D. Staheli, *Motivating Law Students to Develop Competent Legal Research Skills: Combating the Negative Findings of the Howland and Lewis Survey (Abstract)*, 87 LAW LIBR. J. 576 (1995).

2. In July 2018, a research assistant searched and examined the website of each of the top 100 law schools ranked by *U.S. News and World Report*. Due to ties, this covered ranks one to ninety-nine. The assistant looked for information on online or hybrid offerings in course listings and program descriptions. A limitation of this approach is that not all law schools may mention their online offerings on their websites, and newly approved or planned online courses may not yet have been added to the websites. Survey by Yvonne Dutton, Professor of Law, Ind. Univ. Robert McKinney Sch. of Law; Jessica Dickinson, Research Assistant; & Sally Frazer, Research Assistant (Summer 2018) (on file with authors).

3. *See* STANDARDS & RULES OF PROCEDURE FOR APPROVAL OF LAW SCHS. Standard 306(e) (AM. BAR ASS'N 2018) [hereinafter 2018 ABA STANDARDS].

4. 2018 ABA STANDARDS, *supra* note 3, Standard 315.

5. The earliest online law school courses were offered in the 1997–98 school year after the ABA's Accreditation Committee passed the Temporary Guidelines on Distance Learning, which first allowed law schools to offer online courses. *See* Laura N. Gasaway, *Distance Learning Survey*, SYLLABUS, Summer 1998, at 16.

school. With asynchronous online classes,[6] one challenge is that the professor and student do not meet and interact as they do in live classes. Instead, the professor must remotely capture the students' attention and encourage them to do the work. In live law school classes, students may find that the Socratic Method employed by many professors is sufficient to keep them motivated to learn material: they prepare so that they can correctly answer questions when called upon by the professor in front of their classmates.[7] The in-class Socratic Method is not available in asynchronous online classes, meaning that professors must find new and different ways to engage their students and ensure that they are learning the course material. Professors also must consider that students who take online classes may do so because they have other demands on their time: they have to work or care for a family, and they want the flexibility to do their classwork off campus.[8]

There are additional reasons to focus on the best ways to motivate students in online classes. First, studies suggest that people's attention spans may be decreasing.[9] Second, research indicates that students may

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6. This Article includes only asynchronous online classes in its discussion of online classes. In asynchronous online classes, learning is time-shifted so that the professor and student need not interact online at the same time. In synchronous online courses, meanwhile, the professor and students meet and interact online at the same time through a platform, such as Skype or Zoom. *See* Henry H. Perritt, Jr., *The Internet Is Changing the Face of American Law Schools*, 33 IND. L. REV. 253, 269 (1999) (defining "asynchronous" as time-shifted and "synchronous" as simultaneous).

7. *See* Michael Vitiello, *Professor Kingsfield: The Most Misunderstood Character in Literature*, 33 HOFSTRA L. REV. 955, 956 (2005) (explaining that a good Socratic dialogue forces students to prepare for class).

8. *See* Lawrence E. Singer, *Leadership in Online "Non-Traditional" Legal Education: Lessons Learned & Questions Raised*, 94 U. DET. MERCY L. REV. 43, 67 (2017). As one student stated in an anonymous mid-semester survey in Fall 2016 Online Trusts and Estates:

My schedule is hectic and I like the freedom to be able to take class when I have time, and when "I'm ready to learn." And by that I mean sometimes I will have 20 other things going on in other classes or from work, and when I walk into my 8:00AM class on monday and arent prepared or are just distracted, its almost a wasted class. But having online options lets me get all my stuff done during the week and on sunday when im chilled out and caught up I can sit down and knock out 1 or 2 of these classes and have a much better chance at retaining the material.

Fall 2016 Trusts and Estates Survey, *infra* note 62.

9. *See* Laura M. Padilla, Essay, *Whoosh—Declining Law School Applications and Entering Credentials: Responding with Pivot Pedagogy*, 39 U. LA VERNE L. REV. 1, 11 (2017) (quoting Leon Watson, *Humans Have Shorter Attention Span Than Goldfish, Thanks to Smartphones*, THE TELEGRAPH (May 15, 2015 8:30 AM), https://www.telegraph.co.uk/science/2016/03/12/humans-have-shorter-attention-span-than-goldfish-thanks-to-smart/. According to one study, people have an attention span shorter than that of a goldfish. Since 2000

be less motivated to complete online courses than live courses.[10] For instance, studies of Massive Open Online Courses (MOOCs), conclude that only approximately ten percent of those enrolled finish the course.[11] Third, some literature indicates that students in online classes may have trouble maintaining their motivation because they face social isolation and technical issues that can cause frustration.[12] Professors teaching online thus compete not only with the internet for students' attention, but also with a host of other distractions. Finally, with respect to law school in particular, students need to learn the material in their live and online courses to use it as practicing professionals.

This Article adds to the scant literature about how to best motivate students in the online environment. The aim is to motivate students not only to complete the online course, but also to learn and master the course material. However, not all motivation must come from within the online course itself. Students who are more self-regulated are also generally more motivated to learn regardless of the course content.[13] Self-regulat-

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alone, the human attention span has decreased thirty-three percent, from twelve seconds to eight seconds. It is no coincidence that the first smartphones appeared in the 2000's. *Id.*

10. *See* Elena Qureshi et al., *An Interesting Profile-University Students who Take Distance Education Courses Show Weaker Motivation Than On-Campus Students*, 5 ONLINE J. OF DISTANCE LEARNING ADMIN. 1, 8 (2002), https://pdfs.semanticscholar.org/16bc/46a160395e84ebd83330e00f6acf5780883a.pdf?_ga=2.106832835.1702 420275.1565821838-604114391.1565821838.

11. *See* Philip G. Schrag, *MOOCS and Legal Education: Valuable Innovation or Looming Disaster?*, 59 VILL. L. REV. 83, 92 (2014).

12. *See* Glenda C. Rakes & Karee E. Dunn, *The Impact of Online Graduate Students' Motivation and Self-Regulation on Academic Procrastination*, 9 J. OF INTERACTIVE ONLINE LEARNING 78, 78–79 (2010), http://www.ncolr.org/jiol/issues/pdf/9.1.5.pdf.

13. *See id.* at 79 (explaining that students with more self-regulatory skills are more academically motivated than others). *See, e.g.,* Roger Azevedo et al., *Does Adaptive Scaffolding Facilitate Students' Ability to Regulate Their Learning with Hypermedia?*, 29 CONTEMP. EDUC. PSYCHOL. 344, 362 (2004) (finding that students who engaged in self-regulating processes and strategies in a hypermedia environment performed better than those who used less or no self-regulation); Cherng-Jyh Yen & Simon Liu, *Learner Autonomy as a Predictor of Course Success and Final Grades in Community College Online Courses*, 41 J. EDUC. COMPUTING RES. 347, 356 (2009) (finding that "[s]tudents with higher learner autonomy are more likely to complete a community college online course with higher final grades"); Richard Lynch & Myron Dembo, *The Relationship Between Self-Regulation and Online Learning in a Blended Learning Context*, 5 INT'L. REV. OF RES. IN OPEN & DISTANCE LEARNING 1, 10 (2004) (finding that "there is a significant and positive relationship . . . between self-efficacy and performance in online education"); Lucy Barnard et al., *Online Self-Regulatory Learning Behaviors as a Mediator in the Relationship Between Online Course Perceptions with Achievement*, 9 INT'L. REV. OF RES. IN OPEN & DISTANCE LEARNING 1, 8 (2008) (finding that "[o]nline self-regulatory learning behaviors were only weakly associated with better academic achievement by themselves" and that self-regulation works best when combined with online communication and collaboration).

ing behaviors include setting goals, managing time, structuring one's environment to maximize studying, and seeking out help with tasks. In other words, students can work to acquire skills and behaviors that make them motivated and help them learn. Research on the effects of self-regulating behavior shows how this can increase students' motivation in the classroom.[14] Professors, however, can also do their part in increasing students' motivation through various teaching and course design techniques.

This Article is situated within the literature showing that students with high levels of intrinsic motivation are more likely to learn the course material and master the skills that will aid them when they become lawyers. Yet, the literature also suggests that course instructors can create and enhance the motivation levels of their students. This Article makes an empirical contribution to this existing literature by showing how instructors can use their course design and teaching methods to create and sustain their students' motivation to engage in an online course.

Accordingly, Part I of this Article defines motivation and the different types of motivation, surveying what researchers have learned about motivating students. Part II explains the research design of our study. Part III shares the results of our study that assesses student motivation in asynchronous online classes in the law school context using student perception data from students who have taken online courses at the authors' law school, Indiana University Robert H. McKinney School of Law ("IU McKinney"). That data is from over 300 law students who responded to anonymous student surveys and who participated in focus groups. This data suggests that engaging course content, regular assessments, and consistent feedback motivate students to learn and master the course content and skills, which supports existing research. Part III also shares techniques, based on student input, for achieving these qualities in an online course.

This Article concludes that motivation to learn is moldable. Intrinsic motivation can be enhanced by the professor through both teaching techniques and course design, including facilitating student interaction and generating student belief in the value of the course tasks and in their ability to succeed in them. Our study shows that students crave these sorts of intrinsic motivators—and correctly so given the literature on the power and role of intrinsic motivation in learning. Without being told that this

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14. Paula Paulino et al., S*elf-Regulation of Motivation: Contributing to Students' Learning in Middle School*, 8 THE EUROPEAN PROC. OF SOC. & BEHAV. SCIS. 1, 4 (2016), https://www.futureacademy.org.uk/files/images/upload/1ic-csbs_3564_5722_fullText_1_26.pdf. *See also, e.g.*, Carol Sansone et al., *Self-Regulation of Motivation When Learning Online: The Importance of Who, Why and How,* 59 EDUC. TECH RES. & DEV. 199, 201, 209–10 (2011).

is a study of intrinsic motivation and what composes such motivation, students identified factors that build intrinsic motivation as those that enhanced their enjoyment and ability to learn in the asynchronous online environment. In other words, students instinctively recognize the value of intrinsic motivation, and its elements, to their educational experience. Professors should therefore craft their courses with intrinsic motivators, resulting in better teaching and learning.

I. MOTIVATION

Originating from the Latin term for "to move," motivation is fuel for action. "To be motivated means to be moved to do something."[15] One can think of motivation as the process through which one's needs and desires are set in motion. Often playing a role in success and satisfaction, motivation is central to learning, including in law school. Indeed, for educators, motivation is an important factor to address in improving student learning outcomes.[16]

Researchers, including prominent scholars Richard Ryan and Edward Deci, have identified two types of motivation: intrinsic motivation and extrinsic motivation.[17] In fact, motivation can be understood as a con-

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15. Richard M. Ryan & Edward L. Deci, *Intrinsic and Extrinsic Motivations: Classic Definitions and New Directions*, 25 CONTEMP. EDUC. PSYCHOL. 1, 54 (2000).

16. For more background on the concept of motivation, *see* Rakes & Dunn, *supra* note 12. For the impact of motivation on learning, *see* Eskja Vero & Edi Puka, *The Importance of Motivation in an Educational Environment*, 15 FORMAZIONE & INSEGNAMENTO 57, 58 (2017), https://pdfs.semanticscholar.org/6e3e/f5d1c5666f3cee72ae0ddca5ef096ada5277.pdf. "The educational equivalent to 'location, location, location' is likely to be 'motivation, motivation, motivation,' for motivation is probably the most important factor that educators can target in order to improve learning." *Id. See also* SUSAN HEADDEN & SARAH MCKAY, MOTIVATION MATTERS: HOW NEW RESEARCH CAN HELP TEACHERS BOOST STUDENT ENGAGEMENT 4 (2015), https://www.carnegiefoundation.org/wp-content/uploads/2015/07/Motivation_Matters_July_2015.pdf (identifying motivation as a major non-cognitive contributor to student success).

17. *See* Ryan & Deci, *supra* note 15, at 55. A related concept is self-regulation. "Self-regulated learning is defined as 'an active, constructive process whereby learners set goals for their learning and then attempt to monitor, regulate, and control their cognition.' The idea is that students who actively engage in the learning process and take responsibility for their own learning become 'metacognitively, motivationally, and behaviorally active participants in their own learning process.'" Elizabeth M. Bloom, *Teaching Law Students to Teach Themselves: Using Lessons from Educational Psychology to Shape Self-Regulated Learners*, 59 WAYNE L. REV. 311, 313 (2013). "Successful online students must learn *and* maintain motivation to learn. The Self-regulation of Motivation (SRM) model suggests two kinds of motivation are essential: Goals-defined (i.e., value and expectancy of learning), and experience-defined (i.e., whether interesting)." Sansone et al., *supra* note 14, at 199. There are several

tinuum from extrinsic to intrinsic motivation. Generally speaking, extrinsic motivators are direct and immediate rewards, such as money or grades. Intrinsic motivators, as the name suggests, are more internal in nature: one does something for its own sake—because of the desire to learn, for example.

Professors can both extrinsically and intrinsically motivate students to succeed in their courses and master the skills necessary to pass the bar exam and become a practicing lawyer. Yet, motivation is complicated. Motivating students is not just a straightforward formula of some particular combination of extrinsic and intrinsic motivation.

The following sections describe both extrinsic and intrinsic motivation in more detail. They also survey the literature on each.

A. Extrinsic Motivation

Extrinsic motivation is doing an activity in order to attain some separable outcome that is a relatively immediate and direct reward.[18] Examples of extrinsic motivators for law students include grades, money, fame, and status, which can motivate law students to apply themselves to their studies.

In law school, grades should particularly motivate students, given the current competitive environment for law jobs. More than in many other academic programs, grades matter in law school. They yield a ranking of students that is integral to rewards such as scholarships, law review positions, and judicial clerkships. Grades are also used to determine penalties such as academic probation. Therefore, law school grades serve as a strong extrinsic motivator, although one caveat is in order here. In many law schools, professors are required to adhere to a grading curve that often sets the class average grade at a "B," thereby limiting the number of "A's." Curve-based grading has shown to decrease student motivation in some cases.[19]

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phases of interest, which ebb and flow, such as triggered situational interest. "Triggered situational interest is interest that is stimulated by an individual's encounter with something in his or her environment that draws his or her attention. Triggered situational interest is superficial—the individual does not know much about the topic of interest, and the individual's interest may be short-lived." Emily Zimmerman, *An Interdisciplinary Framework for Understanding and Cultivating Law Student Enthusiasm*, 58 DEPAUL L. REV. 851, 859 (2009). "Motivation is a vital part of self-regulation." E. Scott Fruehwald, *Developing Law Students' Professional Identities*, 37 U. LA VERNE L. REV. 1, 13 (2015).

18. *See* Ryan & Deci, *supra* note 15, at 60.

19. *See* Douglas A. Henderson, *Uncivil Procedure: Ranking Law Students Among Their Peers*, 27 U. MICH. J.L. REFORM 399, 415 (1994); *but see* Joshua M. Silverstein, *In Defense*

In addition to grades, students in law school are extrinsically motivated to master the course material because they must pass the bar exam and then practice as lawyers. Many law school courses are bar courses, meaning that they are subjects that are tested on the bar exam. Most, if not all, law school courses aim to teach lawyerly skills—skills that would be transferrable even if the student does not intend to practice the subject of that particular course. For example, even if a student does not plan to be a Trusts and Estates lawyer, such a course would still teach the lawyerly skills of how to read statutes, interpret cases, apply the law, and convey analysis using written and oral communication.

Despite these extrinsic motivators present in all law courses, experience shows that not all students are equally motivated to succeed in their classes. Not every student comes to class every day, is prepared for class when called upon, puts in maximum effort to write the perfect paper, or studies sufficiently to understand the nuances of the course material. This suggests that the existing external motivators are insufficient to ensure that all students are engaged and mastering the course material.

Indeed, the literature suggests that professors should be wary of relying too heavily on extrinsic motivators. Students driven by extrinsic motivation might treat school like a consumer good, seeking certain outcomes but not fully engaging in the learning experiences that lead to necessary critical thinking skills that will serve them in their professions. Studies also show that individuals who are heavily driven by extrinsic motivators such as grades or money may suffer from greater degrees of unhappiness or dissatisfaction.[20] For instance, despite the high salary, being an associate attorney at a large firm is among the unhappiest jobs in the country due to work demands.[21] A law student who endures the challenge of being at the top of the class, and then ends up in a difficult work environment, sustains many years of stress.

Perhaps most problematic is that extrinsic motivation may even hurt intrinsic motivation.[22] This is counterproductive given that the literature

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of Mandatory Curves, 34 U. ARK. LITTLE ROCK L. REV. 253, 300–01 (2012) (arguing mandatory curves do not necessarily reduce motivation because curves do not exclude the opportunity for improvement).

20. *See, e.g.*, Tim Kasser & Aaron Ahuvia, *Materialistic Values and Well-Being in Business Students*, 32 EUR. J. SOC. PYSCHOL. 137, 142 (2002) ("[S]tudents who believed that money, possessions, image, and popularity are of a large importance also reported less self-actualization, vitality and happiness, and more anxiety, physical symptoms, and unhappiness").

21. *See* Sarah Cearley, *Lawyer Assistance Programs: Bridging the Gap*, 36 U. ARK. LITTLE ROCK L. REV. 453, 455 (2014).

22. Barbara Glesner Fines, *Fundamental Principles and Challenges of Humanizing Legal Education*, 47 WASHBURN L.J. 313, 321 (2008).

shows that extrinsic motivation is not as effective as intrinsic motivation in achieving set goals or outcomes.[23] Intrinsic motivation, discussed next, is also associated with greater satisfaction in learning. Professors should thus focus their efforts on helping students become intrinsically motivated.

B. Intrinsic Motivation

Intrinsic motivation is doing something for its inherent satisfaction rather than for any outside consequence.[24] In other words, it is doing an activity for its own sake—because the person likes it and wants to do it. Intrinsic motivation can be performing a task because it seems interesting, important, and meaningful. Studies suggest that curiosity, interest, and the desire to learn are all intrinsic motivators.[25] Autonomy also boosts intrinsic motivation. Examples of intrinsic motivation in law school include instances: 1) where the student is interested in a particular topic covered in a course; 2) where the student takes a course that provides an opportunity to serve underrepresented populations; 3) where the student sees the course as an opportunity to learn about the world; and 4) where the student simply desires to learn the skills that will facilitate becoming a good and ethical attorney. Intrinsic motivation in law school can include justice, fairness, equality, and balance, as well as curiosity, interest, and the desire to learn.

Evidence suggests that intrinsic motivation is the more important and effective of the two types of motivations. Researchers Sheldon and Biddle have highlighted the extensive literature that now documents the relative advantages of intrinsic motivation.[26] They observe that while "externally-motivated persons can demonstrate impressive feats of short-term, rote learning, intrinsically motivated learners retain such rote material longer, demonstrate a stronger understanding of both rote and more complex material, and demonstrate greater creativity and cognitive flexibility."[27] They credit intrinsic motivation with producing people who are "more wholly engaged and absorbed in their activities, bringing more of

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23. *See* Robin S. Wellford-Slocum, *The Law School Student-Faculty Conference: Towards a Transformative Learning Experience*, 45 S. TEX. L. REV. 255, 345 n.373 (2004) ("Extrinsic motivation never motivates students as well as intrinsic motivation.").

24. Ryan & Deci, *supra* note 15, at 56.

25. *See generally, e.g.*, Thomas W. Malone, *Toward a Theory of Intrinsically Motivating Instruction*, 4 COGNITIVE SCI. 333 (1981) (finding that challenge, fantasy, and curiosity make environments intrinsically motivating).

26. Kennon M. Sheldon & Bruce J. Biddle, *Standards, Accountability, and School Reform: Perils and Pitfalls*, 100 TCHRS. C. REC. 164, 166 (1998).

27. *Id.*

their previous knowledge and integrative capacities to bear in their pursuit of new understanding and mastery."[28] A 2015 report from the Carnegie Foundation for the Advancement of Teaching also concluded that intrinsic motivation is more ideal for learning than extrinsic motivation.[29]

Thus, while both extrinsic and intrinsic motivation can help learning, students perform better when their motivation is intrinsic. Furthermore, intrinsic motivation will lead to greater career success for students, building up their resilience to obstacles and facilitating productive attitudes. One study of students at the School of the Art Institute of Chicago found an inverse relationship between extrinsic motivation and later career success.[30] This is true for the legal field as well: "[P]eople motivated by intrinsic factors, such as the desire to be a good attorney, have a much greater rate of long-term success than students who are motivated by extrinsic factors, such as grades, fame, or money."[31]

Students, however, come to law school and particular courses with differing amounts of intrinsic motivation. First, some students may have a lot of intrinsic motivation to do well in school generally, while some may have little or none. Second, some students may have particular interest in a course because its material overlaps with a personal interest. They may have developed such an interest because of their undergraduate or other life experiences. Caring about a topic or the course content is a significant intrinsic motivator to learn the course material. Of course, law students cannot just take courses that coincide with their personal interests. They must also take required courses and perhaps those that help them pass the state bar exam.

For professors, the challenge is to create the conditions that lead to intrinsic motivation for all students in the course—even for those who are not generally motivated intrinsically to do well in school or who have little initial interest in the subject matter. How does a professor cultivate

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28. *Id.*

29. *See* HEADDEN & McKAY, *supra* note 16, at 6.

30. Eric E. Johnson, *Intellectual Property and the Incentive Fallacy*, 39 FLA. ST. U.L. REV. 623, 643 (2012) ("The less evidence there was of a person having extrinsic motivation during art school, the more professional success the person tended to have in an art career 20 years later."). *See also* Amy Wrzesniewski et al., *Multiple Types of Motives Don't Multiply the Motivation of West Point Cadets*, 111 PROC. OF THE NAT'L ACAD. OF SCI. OF THE U.S. 10897, 10990 (2014), https://www.pnas.org/content/pnas/111/30/10990.full.pdf (The authors assessed "the impact of the motives of over 10,000 West Point cadets over the period of a decade on whether they would become commissioned officers, extend their officer service beyond the minimum required period, and be selected for early career promotions. For each outcome, motivation internal to military service itself predicted positive outcomes . . .").

31. Susan D. Landrum, *Drawing Inspiration from the Flipped Classroom Model: An Integrated Approach to Academic Support for the Academically Underprepared Law Student*, 53 DUQ. L. REV. 245, 257 (2015).

this intrinsic motivation? The literature suggests that it is possible through course design and teaching methods. Specifically, the literature emphasizes the importance of: (1) interesting and engaging content that makes learning fun and draws students into the learning process; (2) opportunities for student assessment; and (3) positive performance feedback.[32]

First, studies suggest that intrinsic motivation increases with interesting and engaging content, such as when the course content is geared to engage students and draw them into a fun and creative, yet educational, learning process.[33] Creative content and activities intrinsically motivate students. An element of fantasy or curiosity also helps engage students. For example, studies show that intrinsic motivation increases when games are used to help with learning concepts and content.[34] Games can be fun, engaging, provide feedback to students, and create a sense of accomplishment when students perform well in the game.[35] Other course content can similarly be useful in motivating students in the law school setting. For instance, film clips, especially those from popular culture, can be engaging to students. Studies show that video lectures are more

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32. *See, e.g.*, Bruce J. Winick, *Using Therapeutic Jurisprudence in Teaching Lawyering Skills: Meeting the Challenge of the New ABA Standards*, 17 ST. THOMAS L. REV. 429, 437 n.22 (2005); Edward L. Deci & Michard M. Ryan, *The "What" and the "Why" of Goal Pursuits: Human Needs and the Self-Determination of Behavior*, 11 PSYCHOL. INQUIRY 227, 233–36 (2000); WILLIAM M. SULLIVAN ET AL., EDUCATING LAWYERS: PREPARATION FOR THE PROFESSION OF LAW 164 (2007) (discussing the importance of formative assessment to "support opportunities to improve learning").

33. *See* Myron Moskovitz, *On Writing a Casebook*, 23 SEATTLE U.L. REV. 1019, 1022–23 (2000) ("Having taught for many years, I've learned a thing or two about law students— what motivates them and how they learn . . . My main job as a casebook author is to make learning law as easy and fun for the students as the subject matter permits."). *See also* Winick, *supra* note 32, at 437, n.22 ("Deci's early work on intrinsic motivation showed that people engage in behavior because they find it to be interesting and enjoyable."); Deci & Ryan, *supra* note 32, at 235 (noting that intrinsic motivation involves active engagement with tasks that people find interesting); C.K. Gunsalus & J. Steven Beckett, *Playing Doctor, Playing Lawyer: Interdisciplinary Simulations*, 14 CLINICAL L. REV. 439, 462 (2008) ("[T]he key to intrinsic motivation is engagement.").

34. In the 1980's, Thomas Malone revived the use of games in learning by showing how they can provide intrinsic motivation. *See* Malone, *supra* note 25. Games have universal appeal and are among the first methods through which children learn. *See* Jennifer L. Rosato, *All I Ever Needed to Know About Teaching Law School I Learned Teaching Kindergarten: Introducing Gaming Techniques into the Law School Classroom*, 45 J. LEGAL EDUC. 568, 570–71 (1995).

35. "The motivational psychology literature contains decades of work with college students showing that higher confidence leads to increased academic effort and resiliency." Carol S. Sargent & Andrea A. Curcio, *Empirical Evidence that Formative Assessments Improve Final Exams*, 61 J. LEGAL EDUC. 379, 379 (2012).

engaging when they are short and chunked by topics, with lectures focused on one main topic.[36] Quizzes can be gamified simply by allowing students to accumulate points, or they can be built in a more sophisticated game structure, like Jeopardy. Multiple choice quizzes have been undervalued in legal education, but done right, are useful to students.[37]

Second, to the point about assessment, studies show that intrinsic motivation increases when students attribute educational results to internal factors that they can control.[38] Intrinsic motivation is further increased when students believe that they are capable of reaching desired goals.[39] Thus, a way to intrinsically motivate students is to provide them ungraded assessments, which strengthen metacognitive abilities and thereby help them self-regulate their learning.[40] Students also gain self-esteem if the assessments are of a manageable difficulty level while still being sufficiently challenging to intrinsically motivate them. Assessments in legal education have been receiving attention on a much broader scale. For example, the ABA has increased its emphasis on assessment.[41] Additionally, the *Carnegie Report* has noted the critiques of traditional law school

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36. *See, e.g.*, Philip Guo, *Optimal Video Length for Student Engagement*, EDX BLOG (Nov. 13, 2013), https://blog.edx.org/optimal-video-length-student-engagement ("The optimal video length is 6 minutes or shorter — students watched most of the way through these short videos . . . The take-home message for instructors is that, to maximize student engagement, they should work with instructional designers and video producers to break up their lectures into small, bite-sized pieces."). *But see* Karen Wilson & James H. Korn, *Attention During Lectures: Beyond Ten Minutes*, 34 TEACHING OF PSYCHOL. 85, 85 (2007), https://www.tandfonline.com/doi/abs/10.1080/00986280701291291#.UxdU5-ddXrU ("Many authors claim that students' attention declines approximately 10 to 15 min into lectures. To evaluate this claim, we reviewed several types of studies including studies of student note taking, observations of students during lectures, and self-reports of student attention, as well as studies using physiological measures of attention. We found that the research on which this estimate is based provides little support for the belief that students' attention declines after 10 to 15 min.").

37. *See generally* Susan M. Case & Beth E. Donahue, *Developing High-Quality Multiple-Choice Questions for Assessment in Legal Education*, 58 J. LEGAL EDUC. 372 (2008) (discussing how to construct multiple choice questions to ensure that they assess the intended competencies).

38. *See* Rakes & Dunn, *supra* note 12, at 79.

39. *Id.*

40. *See* SULLIVAN ET AL., *supra* note 32, at 173 (emphasizing the need to make students better self-regulated learners through the teaching of metacognitive skills).

41. *See* 2018 ABA STANDARDS, *supra* note 3, Standard 314 ("A law school shall utilize both formative and summative assessment methods in its curriculum to measure and improve student learning and provide meaningful feedback to students."). *See also* Mary Crossley & Lu-in Wang, *Learning by Doing: An Experience with Outcomes Assessment*, 41 U. TOL. L. REV. 269, 271–73 (2010) (giving an overview of the American Bar Association's consideration of standards regarding assessment).

assessment.[42]

Third, regarding feedback, several early studies showed that positive performance feedback increased intrinsic motivation, while negative performance feedback decreased it.[43] Other studies showed that perceived competence offset these effects.[44] For feedback to intrinsically motivate and engage students, the literature notes that it should be constructed in a positive way[45] and be prompt.[46] Indeed, feedback can raise students' enthusiasm,[47] particularly if it includes some positive feedback. For these reasons, professors may find the sandwich feedback method effective, where they start and end with positive sentiments and highlight areas for improvement between them.[48] Finally, the connection that feedback builds between the student and professor provides intrinsic motivation to the student. Thus, a way to motivate students intrinsically is to provide them opportunities for feedback.

In sum, intrinsic motivation is an important element to academic

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42. SULLIVAN ET AL., *supra* note 32, at 169 (noting that the "conditions of testing on any given day, individual differences in test-taking skills, and peculiarities of different raters all introduce unreliability into the results, making them less precise than faculty may realize as valid and reliable indicators of knowledge and skill.").

43. *See* Ryan & Deci, *supra* note 15, at 59.

44. *Id.*

45. *See* Paula J. Manning, *Understanding the Impact of Inadequate Feedback: A Means to Reduce Law Student Psychological Distress, Increase Motivation, and Improve Learning Outcomes*, 43 CUMB. L. REV. 225, 241–42 (2012).

46. "At some point, delay is likely to become detrimental. It is certainly plausible that delaying feedback for too long will reduce a student's motivation to look at anything more than her grade. After too long a delay, it becomes unrealistic to think that reviewing an exam will assist a student in adjusting her approach based on a long-past performance." Ruth Colker et al., *Formative Assessments: A Law School Case Study*, 94 U. DET. MERCY L. REV. 387, 421 (2017).

47. "While law professors might be reluctant to give students a false sense of their abilities for the sake of cultivating students' enthusiasm, giving feedback to cultivate enthusiasm can be reconciled with giving legitimate feedback." Zimmerman, *supra* note 17, at 903. However, feedback through assessments can be stressful if not done thoughtfully:

> As beneficial as assessment can be for law students, if not done thoughtfully, it can also have negative consequences. Overuse of assessment can create more stress for students by taking up valuable time that otherwise is needed to study for their classes. Faculty members should coordinate their assessment efforts to ensure that students are not overwhelmed with assignments within a short time period. Furthermore, it is important that these assessments actually assess what we need to know about our students, particularly those underprepared students, such as the status of their legal analytical skills.

Landrum, *supra* note 31, at 268–69.

48. Catherine Gage O'Grady, *A Behavioral Approach to Lawyer Mistake and Apology*, 51 NEW ENG. L. REV. 7, 42 n. 125 (2016).

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achievement that does not rely on the student's intellectual ability.[49] Instructors can create and enhance intrinsic motivation in their online courses by providing engaging content, regular assessments, and consistent feedback. These intrinsic motivators are the subject of our study, considered next.

II. RESEARCH DESIGN

This study on motivating online students draws on evidence from: (1) anonymous student survey responses in select online law courses; and (2) focus groups with students who engaged in broader online programming at the law school. In both cases, the students responding were currently-enrolled law students at IU McKinney. Our data comes from the online context and therefore holds lessons for distance education, which is timely given the increase by the ABA of permitted online credits in law programs.[50] However, the lessons apply to traditional live classes as well.

A. Anonymous Student Surveys

The first source of our data for this Article is the student responses to anonymous mid-semester surveys with open-ended questions, reproduced in Appendix A. These surveys were administered in two different asynchronous online courses at IU McKinney: Online Trusts and Estates and Online Comparative Law. The data from these mid-semester surveys was collected from all students enrolled in these courses in the Spring 2015, Spring 2016, and Fall 2016 semesters. These were unofficial surveys seeking anonymous student feedback in time for the professor to adjust the class delivery and content—the end-of-semester official surveys came too late to allow such adjustments. While students were not required to complete these unofficial surveys, nearly ninety percent of students did in the Online Trusts and Estates classes and approximately

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49. For this reason, intrinsic motivation is seen as a non-cognitive contributor to academic success. In other words, it helps students succeed regardless of their intellectual ability:

> Much of what we know about student motivation exists in a vast reservoir of research covering what's known collectively as "non-cognitive" contributors to student success, an umbrella term for skills, dispositions, and attributes that fall outside of intellectual ability and content knowledge. It is a broad field that incorporates everything from self-regulation, such as being on time for class, to study strategies, to so-called social-emotional skills, which include such capacities as cooperation and respect for others.

HEADDEN & MCKAY, *supra* note 16, at 4.

50. 2018 ABA STANDARDS, *supra* note 3, Standard 306(e).

sixty-seven percent of students did in the Online Comparative Law classes. In total, 323 second-year and third-year students responded to the surveys.

Professor Ryznar taught all of the Online Trusts and Estates classes, and Professor Dutton taught all of the Online Comparative Law classes. Both courses were organized into modules and included short recorded lectures by the professor and various activities to assess student understanding of the material. Some of those activities were similar across courses: both Professors Dutton and Ryznar required students to respond to discussion posts, which meant that students had to write a paragraph or two in response to a question posed by the professor. Furthermore, both Professors Dutton and Ryznar required students to complete quizzes using the online learning platform quite regularly.[51] The online learning platform automatically graded quizzes that contained multiple choice questions and offered students immediate feedback by revealing the correct answers and explanations upon the student's submission of the quiz. The professor, meanwhile, received a computer-generated report on class statistics as well as each student's performance on the quiz once it closed, allowing the professor to monitor students' efforts at mastering the course material and to provide additional feedback addressing the quiz results.

Some assignments, however, were only appropriate for certain types of classes. For example, in the final weeks of Professor Dutton's Online Comparative Law course, students had to write and submit comparative analysis memos. Meanwhile, Professor Ryznar used polls in her Online Trusts and Estates classes. With this polling technique, students took a side in a debate and explained their reasoning in written format. Professor Ryznar then addressed the poll results in course messages, comparing the poll results to the defaults selected by the probate and trust codes that intended to represent the public's preferences.

All of the assessments were ungraded, with course grades based solely on the final exam. In other words, these were formative assessments. Generally, there are two types of assessments: summative and formative. They differ in their purposes, with the goal of summative assessment being to grade or rank students. Formative assessments are instead intended to provide feedback to students and faculty on course performance so that students can develop their knowledge or skills and

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51. Quizzes are but one type of structured interim assessment that professors can use in their online courses. Quizzes can include various types of questions, such as multiple choice, true/false, fill-in-the-blank, and even short essay. Margaret Ryznar, *Upward! Higher: How a Law Faculty Stays Ahead of the Curve: Assessing Law Students*, 51 IND. L. REV. 447, 450 (2018).

teachers have information about student performance and the effectiveness of instructional techniques.

Nonetheless, in both courses, students were instructed that they had to submit assignments in order to demonstrate that they were participating in the class. Professor Ryznar and Professor Dutton also informed students that should they fail to complete a significant number of assignments, their grade would suffer, or they would be dropped from the course. However, students were also told that they were given assignments specifically so that they could practice course concepts and assess their own learning of the course material. Furthermore, Professor Dutton advised students in her Online Comparative Law class that although they would not be graded on discussion posts or written memos, the level of feedback that they received from the professor would be greater if the professor had more to work with in terms of the student product.

Professor Dutton used several methods to provide feedback on her students' discussion posts and memos. She provided individual feedback to students, sharing comments about substance as well as writing principles. For instance, she would explain that students needed to start a paragraph with a topic sentence that summarized the main idea of the paragraph. Professor Dutton also shared "sample" annotated discussion posts or memos where she would point out good topic sentences, good citations to evidence, or good counterarguments. Meanwhile, Professor Ryznar commented on several discussion posts directly in addition to responding to the whole class in a weekly message.

Thus, these assignments were course features designed to intrinsically motivate students because no grades were given.[52] Our data reveals that a few students did not like that the assignments were ungraded and wanted the extrinsic motivation of grades,[53] but the vast majority of students responded positively to the various assignments in the courses and

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52. It is true that mastering assignments could also aid students in doing well on the final exam, which is an extrinsic motivator. Although sometimes separating intrinsic from extrinsic motivation can be difficult, we view such assignments as more of an intrinsic motivator because students could still do well on a final exam without completing the assignments: they would just have to work in different ways to master the course content.

53. For example, one student in Spring 2016 Online Comparative Law said, "I would make the assignments count more, even if it is only 15-20% of the overall grade." Spring 2016 Comparative Law Survey, *infra* note 62. However, more students expressed a preference for ungraded assessments than graded assessments. For example, in Spring 2016 Online Trusts and Estates, students said, "I like the ungraded quizzes. No pressure-we get the answers" and "I enjoy the quizzes because they allow me to see my level of understanding without unnecessary pressure. Although I always try my best, it is helpful to know that the quizzes are ungraded. I am able to assess my understanding of the material without the pressure. If I miss a question, I know where I need to go to improve my understanding" and "My favorite type

did not mind that they were ungraded.

The mid-semester surveys included questions that were helpful to assessing whether the courses were designed in a way that intrinsically motivated students to engage with and master the course content. For example, the surveys asked students to generally explain what they did or did not think was working in the class. Another question focused on the assignments, asking students to explain which assignments they did and did not like and which they believed best enhanced their learning. One question specifically asked whether students would take future online courses, and why. In all cases, students were encouraged to explain their responses. As a result, we received answers that helped explain what motivated students to take the online course and to engage with the course material and learn the course content.

All of these mid-semester surveys were coded and analyzed. We present the data from the student responses to several of the survey questions below.[54] We provide not only data on the percentage of students who responded positively or negatively to the questions, but also share the main reasons why students reached the conclusions that they did.

We expect that the data in response to these survey questions is reflective of the perception of IU McKinney students more generally for several reasons. First, more than 300 students responded to the survey questions about their online course experience. Second, the data was collected over several different semesters, allowing us to see whether the perceptions hold over a period of time. Third, this study includes variation across courses, permitting us to reach some conclusions about whether certain findings hold across that variation. For example, this study includes two different courses, which are also very different in their "type"—Trusts and Estates is a "black letter law" bar course, while Comparative Law is more of a seminar.[55] Moreover, each of those courses were taught by different professors.

B. Focus Groups

The second source of data is the anonymized transcripts of focus

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of activity is the u[n]graded quizzes. They allow me to take them without looking at any information because I'm not worried about my grade. This allows me to actually see what I need to study." Fall 2016 Trusts and Estates Survey, *infra* note 62.

54.   *See infra* Part III.A.

55.   Trusts and Estates is an important course in the law school curriculum. Most state bars test the subject, it is a staple in solo practitioner work, and all law students should be literate in planning their own estates. Comparative Law is also useful for giving students a legal framework from other traditions.

groups on the topic of McKinney Law School online programming generally. These focus groups were all run by Dr. Douglas Jerolimov from the IUPUI Center for Teaching and Learning.[56] The first focus group was on April 11, 2018 at 3:00 p.m. with six students, the second was on April 12 at 12:45 p.m. with eight students, and the third was on April 12 at 4:30 p.m. with four students. Each session took place in a conference room at the law school and lasted between one and one and a half hours. Dr. Jerolimov videotaped each session, and the sessions were transcribed by an outside service.[57] In the focus group sessions, students were encouraged to interact with each other about their experiences in online classes, the goal being to obtain a much richer and detailed narrative than could be obtained through the mid-semester surveys.

A total of eighteen students voluntarily participated.[58] Students sought for the focus groups were any graduating student who had taken at least one asynchronous online course at IU McKinney. Professors Dutton and Ryznar targeted graduating students specifically because they expected that these students would feel most willing to speak freely given that they were graduating approximately one month after the focus groups.

Other measures also encouraged students to speak frankly during the focus group sessions. First, students were told that while the study was being conducted by Professors Dutton and Ryznar, neither would be privy to the identity of students participating in the focus groups. Students were recruited for the focus groups by graduating student, Kayleigh Long. The focus groups were facilitated by Dr. Jerolimov. Ms. Long and Dr. Jerolimov "scrubbed" the transcripts of the focus groups of any identifying student information before providing those transcripts to Professors Dutton and Ryznar. In addition, Dr. Jerolimov, who is trained and experienced in facilitating focus groups, advised students in the focus groups that they should keep confidential the identity of focus group participants and the information shared by those participants. Finally, Dr.

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56. Douglas Jerolimov, PhD, is an instructional design consultant at the Center for Teaching and Learning at IUPUI. He has conducted numerous focus group discussions for program evaluation and development efforts, as well as student focus groups for mid-term course evaluations. Dr. Jerolimov also serves as an IUPUI Campus Coordinator for the Quality Matters organization, a faculty-run international quality assurance organization for online teaching and learning.

57. The outside transcription service was Rev, available at https://www.rev.com/.

58. Students were offered no incentive to participate in the study, other than the opportunity to share their views about the current online programming and any suggestions for improvement. Students did not receive any payment for taking part in this study, but they were provided with a sandwich and beverage during the focus group session to help them save time and recognize their contribution to the project.

Jerolimov told focus group participants that to the extent they had any concerns about confidentiality, they did not need to mention specific professors or courses when commenting during the sessions.

During the focus group sessions, Dr. Jerolimov used a script containing suggested questions designed to learn more about student perceptions of asynchronous online classes at IU McKinney, reproduced in Appendix B. Some questions asked students to compare their experiences in online classes with their experiences in live classes, while other questions sought student input about the quality of online programming and how to improve it. Although student responses to these questions could provide some insight into whether students were intrinsically motivated to do the work in their online courses, one question directly addressed student motivation. This question was: "Students in online courses do the work on their own time. As students who have taken one or more online classes, how were you motivated to do the work? Were you self-motivated? Or did the course structure or activities motivate you to do the work and learn the course material?" The open-ended nature of this question allowed us to receive answers related to both extrinsic and intrinsic motivation, and this Article will confine itself only to student responses to this question.[59]

III. STUDY RESULTS AND DISCUSSION

In this section, we share data from the anonymous surveys and focus groups as it relates to student motivation as described in the literature.[60] The data suggests several ways to motivate students, reinforcing the literature on intrinsic motivation. In particular, the data shows that students are motivated to do the course work and master the course content when the online course is engaging, and they have opportunities for regular assessment and consistent feedback.

A. Anonymous Survey Results

The mid-semester surveys show that while many students are drawn

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59. We have addressed student responses to the other questions posed in the focus groups in a previous article. The focus of that article is more general in nature, looking at what students perceive makes a quality online course. *See* Yvonne M. Dutton et al., *Assessing Online Learning in Law Schools: Students Say Online Classes Delive*r, 96 DENVER L. REV. 493 (2019). Our previous article, unlike this one, did not address the mid-semester survey responses in any detail and did not specifically address student motivation.

60. We received approval from the Institutional Review Board to use the student responses in publications on online teaching. As part of the approval, we agreed to report them anonymously and to remove any identifying information.

to online classes because of the schedule flexibility that they offer,[61] flexibility alone would not cause them to take an online class or to learn the course material well. Specifically, about one-third of the students responding to the surveys indicated that one thing they enjoyed about their online course was the schedule flexibility that it offered, and about one-half said that one reason they would take another online class is this flexibility.[62] However, students made clear in their surveys that they would not take just any online class. For example, approximately sixteen percent of all Online Trusts and Estates students specified that they would take another online course if it were a well-organized course, while approximately five percent said that they would take another online course if it was a subject that interested them.[63]

In their mid-semester survey comments, students elaborated on the factors driving their decision to take online classes. Several students in Fall 2016 Online Trusts and Estates stated that they would take another online course if offered by the same professor, including one who explained, "I would take another online class from you because I like the way you have structured the class."[64] Another student stated, "Yes—I

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61. This is not surprising given that the literature on online programming highlights flexibility as a key advantage of asynchronous online classes. Nor should one be surprised that law students who work full-time or have families appreciate the ability to complete lectures and activities when they can. Instead of attending a live class during the day, students can also choose to accept an externship or internship where they can learn to practice law under the mentorship of lawyers in the field. The availability of online classes also means that students can take an increased diversity of courses since the time slots of live courses can conflict with each other. *See* Singer, *supra* note 8, at 48–49 (arguing that non-traditional programs are a more feasible option for students because they require less time).

62. *See* Survey by Margaret Ryznar, Professor of Law, Ind. Univ. Robert H. McKinney Sch. of Law (Spring 2015) (on file with authors) [hereinafter Spring 2015 Trusts and Estates Survey]; Survey by Margaret Ryznar, Professor of Law, Ind. Univ. Robert H. McKinney Sch. of Law (Spring 2016) (on file with authors) [hereinafter Spring 2016 Trusts and Estates Survey]; Survey by Yvonne Dutton, Professor of Law, Ind. Univ. Robert H. McKinney Sch. of Law (Spring 2016) (on file with authors) [hereinafter Spring 2016 Comparative Law Survey]; Survey by Margaret Ryznar, Professor of Law, Ind. Univ. Robert H. McKinney Sch. of Law (Fall 2016) (on file with authors) [hereinafter Fall 2016 Trusts and Estates Survey]; Survey by Yvonne Dutton, Professor of Law, Ind. Univ. Robert H. McKinney Sch. of Law (Fall 2016) (on file with authors) [hereinafter Fall 2016 Comparative Law Survey].

63. *See* Spring 2015 Trusts and Estates Survey, Fall 2016 Trusts and Estates Survey, Spring 2016 Trusts and Estates Survey, *supra* note 62.

64. Fall 2016 Trusts and Estates Survey, *supra* note 62. In response to whether they would take another online course, other students in Fall 2016 Online Trusts and Estates stated: "Yes, if it is set-up this way"; "I would definitely take another online course with this professor, because this particular course has, so far, been a great learning experience"; "I would definitely take another one of your online classes in the future. I appreciate the amount of time that you have put into organizing the course"; and "If they were set up like this, yes I would." *Id.* Students in Spring 2015 Online Trusts and Estates responded to the same question: "If

would take an online course as long as it is well-organized (as this course is!)."[65] Another student confirmed, "Yes, but only if it had the structure and ease of this course."[66]

Thus, while the flexibility of online classes is appealing to students, they still need to be motivated to do the work in an online class, just as they need to be motivated to do the work in a live class. The survey responses provide some insights as to what course features and content intrinsically motivate students to complete course tasks and master the material. Indeed, in response to the survey question about what they liked about their online course and what worked for them, student comments often described the intrinsic motivators of engaging course content, regular assessment, and consistent feedback.[67] Accordingly, professors can integrate these features into their online course design and teaching methods in order to better intrinsically motivate their students.

1. Engaging Content

An engaging course provides intrinsic motivation for students to keep learning and mastering the course material.[68] Engagement is possible through both course design and teaching methods.

In terms of course design, both Professors Dutton and Ryznar used

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they were structured as this class is, then yes. If it is merely a free-for-all with no structure, then no"; "It would have to be one that is similar both in substance and style because I do believe the substance of this particular class suites itself well to being taught online and likewise the laid back style of the lectures"; "I would take another online class in the future if it were set up like this course. I like the lecture videos. I love that the professor is so accessible and open to suggestions to continuously improve the quality of the course. I appreciate the variety of activities and the different ways the professor provides information to the class."; and "Yes, I would take another online class in the future if it's structured similar to Trusts and Estates. Online courses allow flexibility, and they also put a large part of the responsibility on the student to learn. The way Trusts and Estates is structured, I know I will only succeed if I take an active role in class. I like having ownership of my own learning." Spring 2015 Trusts and Estates Survey, *supra* note 62.

65. Fall 2016 Trusts and Estates Survey, *supra* note 62.

66. *Id.*

67. Out of 280 online Trusts and Estates students responding to the question of "What about this course is not working for you?", only ten students noted that they struggled with motivation and procrastination in the course. However, from the surveys, it is not always clear whether this is an individual personality trait or an observation about the nature of online classes. For example, in Spring 2016 Online Trusts and Estates, one student simply stated, "Sometimes I find it a little difficult to feel motivated to read the material." Spring 2016 Trusts and Estates Survey, *supra* note 62. Another student in that class explained, "The thing that's working the worst for me is. . . the flexibility! The temptation to procrastinate is much stronger, especially when there is nothing to turn in on a given assignment. Sometimes I will rush through things at the last minute and not absorb things as well as I should." *Id.*

68. As one student said, "The course seems to be interesting and keeps my attention throughout the reading." Fall 2016 Comparative Law Survey, *supra* note 62.

short lecture videos chunked by topic, based on the literature showing that students do not engage with long videos.[69] A number of students explained how the lecture videos were a key component in helping them learn and stay interested in the course material. For example, in response to the question about what was working well for students in Professor Ryznar's online course, over a quarter of all students pointed to the video content.[70] The comments in the mid-semester surveys often elaborated that it was the short, chunked nature of the video lectures that helped students stay focused and engaged with the video content. One Online Trusts and Estates student noted, "I like that the videos are not too long because after doing the readings and taking notes, having to watch long lecture videos is cumbersome."[71] Another student said, "I thought at first that it would be difficult to have the motivation to watch the videos on my own, but that has not been a problem. I typically read the textbook first, then listen to the online lectures."[72] Yet another student in the course mentioned, "I also really like the length of the lecture videos. I get more out of an eight-minute lecture video that gets to the point than an hour lecture that drags on."[73] In terms of what students liked best about Online Comparative Law, one student stated: "Your lectures are well done—not too long, but packed with information to help clarify the readings."[74] In response to a mid-semester survey question about which material in Online Comparative Law was presented most effectively, many students noted the short lecture videos. "I like the videos since they are concise and are packed full of information."[75] "I feel like I lea[r]n 5 times more in a 20 minute video than I do in 3 hours of reading," another student said.[76] Thus, the lecture videos often engaged students, particularly when concise and chunked by topic.

Students also highlighted the value of supplementary videos as a type of course content that helped them stay motivated and interested in learning. In response to the question about what material was presented

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69. *See supra* Part I.B.

70. *See* Spring 2015 Trusts and Estates Survey, Fall 2016 Trusts and Estates Survey, Spring 2016 Trusts and Estates Survey, *supra* note 62.

71. Fall 2016 Trusts and Estates Survey, *supra* note 62.

72. *Id.*

73. *Id.*

74. Fall 2016 Comparative Law Survey, *supra* note 62.

75. *Id.*

76. Spring 2016 Comparative Law Survey, *supra* note 62.

most effectively, a number of students in Professor Dutton's class refer-enced her use of YouTube videos to illustrate certain concepts.[77] A stu-dent observed that "I have thoroughly enjoyed the youtube videos you have selected for the material because it adds color to the topic."[78] An-other student noted that "I think your lectures are done well and the sup-plemental video clips you provide have been very helpful in fleshing out the readings and adding a 'real world' touch to what we are studying."[79] Yet another student said that "the additional video clips beyond the lec-tures have been fun to watch and have added another learning element into the mix."[80] Other students concurred in Professor Ryznar's classes regarding engaging supplementary videos: "The material is interesting and so is the 'extra' information provided like the youtube videos."[81] One Online Comparative Law student commented, "I did not expect, but en-joy, the additional videos that supplement the lectures and reading."[82] As students noticed, the relevant video clips help put the law in context and help them see the relevance of the material they are studying beyond the printed page. The fact that this supplementary content is different and surprising engages students and thereby motivates an interest in learn-ing.[83] These techniques also move legal education toward more integra-tion of skills and doctrine as recommended by the *Carnegie Report*.[84]

Moreover, students appreciated practical exercises, which motivated them to do assignments even though they were not graded. Students are intrinsically motivated when the course content and activities have a prac-tical component because it allows them to receive a glimpse into the law work that they are training to do. Students also like to work on the skills that they will need for law practice. For example, Professor Dutton's stu-dents appreciated when she compared writing a discussion post to writing

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77. When the nature of the course warranted it, Professor Dutton added YouTube or other video content. For example, in Online Comparative Law, Professor Dutton posted some vid-eos describing how the criminal courts in England work. In her module on the European Un-ion, she posted a variety of videos created by different EU branches explaining their inner workings.

78. Fall 2016 Comparative Law Survey, *supra* note 62.

79. *Id.*

80. *Id.*

81. *Id.* In Online Trusts and Estates, Professor Ryznar occasionally posted videos that supplemented the lecture videos, such as a YouTube news video about a Trusts and Estates issue in the popular press.

82. *Id.*

83. *See supra* Part I.B.

84. *See* Leslie M. Rose, *Norm-Referenced Grading in the Age of Carnegie: Why Criteria-Referenced Grading is More Consistent with Current Trends in Legal Education and How Legal Writing Can Lead the Way*, 17 J. OF THE LEGAL WRITING INST. 123, 158 (2011).

an email to a partner or client. According to one student, "I like the activities because we are able to apply what we are reading and learning."[85] Another student said, "I thought that the research activity, though it took the most time and was the most difficult[,] was the best activity for enhancing my learning."[86] Another student liked doing "[r]esearch - although it's the most frustrating, it's also most applicable to my job as law librarian."[87] Similarly, a student liked "[t]he foreign law research assignment - I was most engaged in the activity since it required me to apply the information I found to a specific situation."[88] Another student added, "[t]he research was good and not too onerous—a good taste without being overwhelming."[89] Practical exercises in online courses therefore provide students intrinsic motivation.[90]

In sum, the anonymous mid-semester survey responses of over 300 online law students showed that students appreciated the flexibility that online classes afford them. However, it was engaging, concise, and practical course content that kept them in the course and wanting to learn.

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85. Fall 2016 Comparative Law Survey, *supra* note 62.

86. *Id.*

87. Spring 2016 Comparative Law Survey, *supra* note 62.

88. Fall 2016 Comparative Law Survey, *supra* note 62.

89. Spring 2016 Comparative Law Survey, *supra* note 62.

90. Practical exercises are also important to integrate in law courses for several reasons other than intrinsic motivation. First, law students increasingly face an employment environment where they must demonstrate that they have already practiced, if not mastered, some of the lawyering skills entailed by the job. *See, e.g.,* Daniel Thies, *Rethinking Legal Education in Hard Times: The Recession, Practical Legal Education, and the New Job Market*, 59 J. LEGAL EDUC. 483, 605 (2010) (discussing how increased economic pressures on law firms has led to greater demand for law graduates with practical skills and the ability to take on complex projects). Survey research supports this claim. *See, e.g.,* Robert R. Kuehn, *Measuring Clinical Legal Education's Employment Outcomes*, 2015 WIS. L. REV. 645, 661–63 (2015) (describing surveys in which legal employers rank practical skills as very important). Second, employers also want students to benefit from practicing legal skills in the relatively safe environment of a law school classroom where they can get feedback, but without the pressure of representing a "real" client. *See, e.g.,* Cynthia Batt, *A Practice Continuum: Integrating Experiential Education into the Curriculum*, 7 ELON L. REV. 119, 130–132 (2015); *see also* Hannah Hayes, *Recession Places Law School in the Eye of the Storm*, 18 PERSPECTIVES 1, 8 (2010). And by practicing legal skills, students will be better able to perform those skills when they are faced with a "real" client. *See generally id.* (discussing how law schools should work to integrate experiential and skills learning into doctrinal courses to help students become more practice-ready). Finally, law schools' primary accrediting agency, the ABA, has imposed on the curriculum requirements of practice readiness. *See* 2018 ABA Standards, *supra* note 3, Standard 301. Those requirements require innovation by all law schools. Recent scholarship suggests that the practice ready outcomes that the ABA seeks are natural fits with online pedagogical methods. *See, e.g.*, Max Huffman, *Online Learning Grows Up—And Heads to Law School*, 49 IND. L. REV. 57, 84 (2015).

2. Regular Formative Assessments

Both in Professor Dutton's Comparative Law and in Professor Ryznar's Trusts and Estates online courses, students were required to complete ungraded formative assessments on a weekly basis. These consisted of discussion boards, quizzes (often with a multiple-choice component), polls, or other written assignments. Both Professors Dutton and Ryznar monitored all of the completed assessments to track and respond to student progress in the courses.

The mid-semester survey responses indicate that many students felt that regular assessments helped them keep on track with the course material. While students in asynchronous online classes do not have class meetings to hold them accountable, regular assignments motivate them to stay engaged and learning. Indeed, several students responding in the Online Trusts and Estates course noted that the regular assessments motivated them.[91] As one student put it, "I like that there are weekly assignments for the online course so it keeps me honest and makes sure I am not backloading things for a few weeks at a time."[92]

While a few students did comment that they did not like the fact that the assessments required them to do work without the benefit of a grade, most students appreciated that the assignments were formative and aimed to help them track their progress. In other words, they appreciated being provided this intrinsic motivator to learn the material.[93] As one student noted, "Normally, I feel like these types of activities could be classified as busy work. But for the format of this course I find the quizzes to be very helpful in pointing ou[t] what is important in the readings. The discussion questions are very thought-provoking."[94]

To increase intrinsic motivation, the literature shows that it helps to make assessments engaging, fun, and gamified when possible.[95] Student responses to the mid-semester survey question about their favorite and least favorite course activities provide some insights about intrinsic motivation sources in terms of assessments. In response to a question in Professor Ryznar's courses regarding their favorite assessment, over half of

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91. *See* Spring 2015 Trusts and Estates Survey, Fall 2016 Trusts and Estates Survey, Spring 2016 Trusts and Estates Survey, *supra* note 62.

92. Spring 2015 Trusts and Estates Survey, *supra* note 62.

93. *See supra* note 53.

94. Spring 2016 Comparative Law Survey, *supra* note 62.

95. *See supra* Part I.B.

all students responded that it was quizzes.[96] Over half of Professor Dutton's online students also chose quizzes as their favorite activity.[97]

Student comments elaborate on this preference for quizzes. Specifically, students liked that this form of assessment gave them instant feedback generated by the online learning platform. As soon as they submitted their quiz, the Canvas platform graded it against the professor's answer key and revealed the professor's comments that were prepared beforehand. Students found this feedback rewarding, as the literature on intrinsic motivation would suggest. According to one student, "I find the quizzes to be my favorite activity for the reasons I mentioned above. Plus, I like the (somewhat) instant gratification of knowing if I was right or wrong in my answers."[98] Another student confirmed, "I like quizzes, because it's a quick way to make sure I understand the material."[99]

The quizzes also allow students to track their progress in the course, which is intrinsically motivating to learning. One student noted, "I also enjoy the quizzes as they are a good way to assess your knowledge on the material and help you understand what you might need to review."[100] Another student confirmed, "I can immediately see if I've misunderstood something or if I was correct."[101] Students are encouraged by feeling as if they are mastering the material, and so, "Quizzes. . . help[] me to gauge my knowledge and comprehension of the material."[102] Another student confirmed, "[T]he quizzes also serve as a good check on my learning."[103] Students can also find themselves engaged by the quizzes: "I think the. . .quizzes are most interesting and helpful."[104] Thus, assessments build intrinsic motivation in students, particularly if they are engaging, as the literature on intrinsic motivation suggests.[105]

On the other hand, students tended to rank discussion posts as one of their least favorite activities. For example, nearly half of Professor

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96. *See* Spring 2015 Trusts and Estates Survey, Fall 2016 Trusts and Estates Survey, Spring 2016 Trusts and Estates Survey, *supra* note 62.

97. *See* Fall 2016 Comparative Law Survey, Spring 2016 Comparative Law Survey, *supra* note 62.

98. Fall 2016 Comparative Law Survey, *supra* note 62.

99. Spring 2016 Trusts and Estates Survey, *supra* note 62.

100. Spring 2015 Trusts and Estates Survey, *supra* note 62.

101. Spring 2016 Comparative Law Survey, *supra* note 62.

102. *Id.*

103. *Id.*

104. *Id.*

105. *See supra* Part I.B.

Ryznar's online students said that discussion posts were their least favorite activity.[106] While Professor Dutton's students were not asked to rate their least favorite activity in their mid-semester surveys, quizzes received more favorable comments from them than discussion boards.[107] As Professors Ryznar and Dutton intended these posts to intrinsically motivate students to do the course work and to master the course content, it is important to evaluate why some students did not like discussion posts.

The student comments generally focused on the difficulty of being original on overcrowded discussion boards. Students disliked discussion boards because of this: "[D]iscussion boards are my least favorite because it is difficult to come up with something original after the best answer has been repeated a few times."[108] Another student shared the same sentiment: "I find the discussion boards very difficult. I often enter the conversation later in the week and struggle to find new thoughts or ideas to contribute."[109] One student explained, "Often with discussion boards, what I intend to say has already been said by a dozen other people, so it feels like I'm not adding much other than a +1."[110] Due to the challenge of being creative and original in overcrowded discussion boards, the literature on intrinsic motivation would predict the students' dislike of discussion boards for these reasons. Indeed, students found it difficult to add original work to the discussion board, harming their motivation.

While both Professors Dutton and Ryznar initially created discussion boards to encourage discussion and interaction among their online students, in response to such student feedback, they decided to structure their discussion boards differently. Instead of focusing on student interaction, they used the discussion posts as a way to allow students to practice making and supporting arguments. For example, in Professor Dutton's Online Comparative Law course, one discussion post question requires students to respond in no more than two paragraphs to the following prompt:

> Justice Scalia argues that U.S. judges should not cite to or rely on foreign law in making their decisions because of issues relating to 'selectivity' (cherry-picking) and 'comparability.' Professor Glendon similarly points to 'comprehension, comparability, and selectivity' as some

    106. *See* Spring 2015 Trusts and Estates Survey, Fall 2016 Trusts and Estates Survey, Spring 2016 Trusts and Estates Survey, *supra* note 62.
    107. *See* Fall 2016 Comparative Law Survey, Spring 2016 Comparative Law Survey, *supra* note 62.
    108. Fall 2016 Trusts and Estates Survey, *supra* note 62.
    109. *Id*.
    110. Spring 2015 Trusts and Estates Survey, *supra* note 62.

of the perils associated with the domestic judicial use of foreign authorities. Do you believe that such issues outweigh the benefits of the domestic judicial use of foreign authorities? Why or why not?

One student described these discussion questions as challenging in a productive way, as the intrinsic literature would recommend: "And you ask really hard questions—they are thought provoking a lot of the times and I've related them to some of my other courses. For example, in Law and Social Change, I thought about overhauling the U.S. legal system and functioning more like the EU."[111]

Assessments like this provide intrinsic motivation when they have an appropriate level of challenge to encourage students to keep learning. Indeed, as one Online Comparative Law student explained, in the online course "the discussions and quizzes are both challenging enough that I know I need to learn the material in order to answer the questions."[112]

To increase the students' sense of originality in their discussion posts as the literature on intrinsic motivation suggests, Professor Dutton also locked down the discussion board from student viewing until a student posted to the board, thereby eliminating the need to interact. Thus, the students could not see any other posts until they posted themselves. As one student of Professor Dutton explained, "I like the discussion boards, because they force me to think about the material instead of just repeating information from the text."[113]

Alternatively, professors can subdivide the discussion into smaller sections so there is less overlap in responses. One Online Comparative Law student noted, "I think it is nice being in the smaller 'sub groups' for our discussions."[114] Another student agreed: "I think it helps that we have been divided into smaller groups so I do actually go through and read what my classmates have posted."[115]

Finally, students mentioned liking discussion questions that received feedback from the professor: "I like the discussion questions with the feedback."[116] This focus on feedback is also consistent with the literature showing how regular feedback motivates students to continue progress in a course.

In sum, students liked the discussion boards that made the conver-

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111. Spring 2016 Comparative Law Survey, *supra* note 62.
112. Fall 2016 Comparative Law Survey, *supra* note 62.
113. Spring 2016 Comparative Law Survey, *supra* note 62.
114. *Id.*
115. Fall 2016 Comparative Law Survey, *supra* note 62.
116. *Id.*

sation less repetitive and more original. While students feel less motivation and interest if they have nothing new to add to the discussion board, their motivation and interest increase if they can think their own original thoughts. When done in a certain way, discussion boards are able to engage students and motivate them to learn and master the course content.

Finally, several students described the polls in Online Trusts and Estates as a "fun" assessment.[117] According to one student, "I suppose it's the vanity in me, but I also like polls – it's fun to offer my opinion and sometimes surprising to see everyone else's thoughts."[118] "Obviously, the polls are my favorite. It is not over burdensome and I enjoy seeing how other students stand on particular topics. The Professor still asks us to support our vote which requires us to think through our argument, but it's done in a fun and interesting way."[119] Another student said, "The polls are fun and interesting, but not as informative."[120]

In short, formative assessments can intrinsically motivate students by reinforcing the course material in a fun and engaging way. To do so, the assessments should be engaging and fun, but also challenging so that students feel that they are adding value and learning through the assignments.

3. Consistent Feedback

The responses to the mid-semester surveys showed how students view professor feedback as an intrinsic motivator to complete the coursework and master the course content. These responses are consistent with the literature that highlights feedback as a key to intrinsic motivation.[121]

In response to the mid-semester survey question on what they liked best about their online course, many students noted that they found the professor's feedback very helpful to their learning process. One student confirmed to the professor that "[y]our feedback has been very helpful. Your response time is amazing and I feel very comfortable asking questions."[122] Yet another student in the same class also listed the best feature of the Online Comparative Law course as "the amount of feedback we get and the timeliness of that feedback."[123] Similarly, a student stated, "I

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117. For example, a poll might ask whether an adulterous spouse should be able to inherit under state intestacy law. A student would have to vote "yes" or "no," and then offer written support for the vote.

118. Spring 2016 Trusts and Estates Survey, *supra* note 62.

119. Spring 2015 Trusts and Estates Survey, *supra* note 62.

120. Fall 2016 Trusts and Estates Survey, *supra* note 62.

121. *See supra* Part I.B.

122. Fall 2016 Comparative Law Survey, *supra* note 62.

123. *Id.*

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also appreciate the consistent feedback on the work I am submitting."[124] Indeed, students often explained that they liked quizzes because they received immediate feedback from the professor that way: "My favorite online activity is the quizzes because I like checking my knowledge of the information with immediate feedback."[125] As one student summed it up, "The polls, discussion questions and weekly feedback are very helpful in keeping you engaged with classmates and the material."[126]

Feedback is particularly intrinsically motivating to online students when it includes substantive assistance with the material and direct responses to their questions. One student noted, "I especially appreciate receiving feedback, and prompt answers to questions."[127] Another student in the same course reported that "the professor has been very quick to answer questions and provide feedback."[128] Thus, when students do not meet with the professor in a live classroom, they appreciate feedback that also contains answers to their substantive questions. Without it, they would not be able to obtain a feeling of competence over the material that builds their intrinsic motivation.

Finally, feedback builds the personal relationship between the student and professor that provides intrinsic motivation to progress in the course. For example, approximately half of the Online Comparative Law students mentioned the professor's feedback as contributing to their sense of connection to the professor.[129] One student explained, "I feel connected to the instructor since I always get individual feedback."[130] Another student said, "I feel more connected to you than to some of my in-person professors."[131] This aligns with the literature showing that performance feedback increases intrinsic motivation.

Thus, feedback is an important intrinsic motivator for online students. It allows them to engage with the material, gain a sense of competency, and build a connection with the professor, which all contribute to intrinsic motivation.

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124. *Id.*
125. *Id.*
126. *Id.*
127. Spring 2016 Comparative Law Survey, *supra* note 62.
128. *Id.*
129. *See* Fall 2016 Comparative Law Survey, Spring 2016 Comparative Law Survey, *supra* note 62.
130. Fall 2016 Comparative Law Survey, *supra* note 62.
131. *Id.*

B. Focus Group Results

To supplement and add depth to the data obtained from the anonymous surveys, this study also includes data from focus group sessions designed to learn more about motivating students, and what the students believe does and does not motivate them to engage and learn. Fewer students participated in the focus groups than in the mid-semester surveys. However, the focus groups included a direct question on motivation, reprinted in Appendix B.[132] In the focus groups, student responses echo much of what we learned from the student responses to the survey questions.

As one might expect, in response to the question about what motivated them in their online courses, some students referenced the classic extrinsic motivators—grades, flexibility, and fear of failing.[133] Other students said that they were not sure that the professor could do anything to motivate chronic procrastinators, noting that students who do not read for live classes also do not read and stay on top of online classes.[134]

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132. The question on motivation was: "Students in online courses do the work on their own time. As students who have taken one or more online classes, how were you motivated to do the work? Were you self-motivated? Or did the course structure or activities motivate you to do the work and learn the course material?" *See* Appendix B. In our other article published in the *Denver Law Review*, we share student responses to the other focus group questions. *See* Dutton et al., *supra* note 59, at 30.

133. One student noted, "For me, the motivation to do any of the online things isn't any different from the in-class stuff. I don't wanna have the anxiety at the end of the semester, like I haven't read for kind of weeks, and I'm gonna fail the class and drop out of law school and go live in a shoebox somewhere." Yvonne M. Dutton & Margaret Ryznar, Focus Group 3, (Apr. 12, 2018, 4:30 PM) (on file with authors) (Student 2). Another student stated, "My first online course that I took was right after 1L year, so you're highly motivated anyways, because still kind of a 1L. You're like, 'I still wanna do well, I want to accomplish certain things in law school, gonna acquire a certain GPA.'" Yvonne M. Dutton & Margaret Ryznar, Focus Group 3, (Apr. 12, 2018, 4:30 PM) (on file with authors) (Student 4). When the facilitator asked what motivated another student to learn and how, the student simply responded, "Fear of terrible grades." *Id*.

134. "I don't think it really matters online versus in-class, because the same people that wait til the last minute to probably turn in the module are the same people that are sitting in class on casebriefs.org or whatever the website is, just in case they get called on because they haven't read anything, so I think it's gonna be the same people, generally speaking, so if you're motivated to read before class, you're gonna be motivated to get your online stuff done." Yvonne M. Dutton & Margaret Ryznar, Focus Group 2, (Apr. 12, 2018, 12:45 PM) (on file with authors) (Student 7). The same student concluded, "If you don't read before class, I seriously doubt you're gonna do things in a timely manner in an online class either. I don't really think . . . that there's any sort of difference between the two." *Id*. Another student concurred, "I would second that. I know plenty in-[person] classes where students don't read like most of the semester, and they won't read it if it's online, because you don't really get cold-called online. You just figure out what I can do for the assignment. People who aren't gonna read aren't gonna read no matter what. It's just whether or not they do some sort of

However, as in the mid-semester surveys, the students in the focus groups also unequivocally stated that the professor can play a significant role in intrinsically motivating students to do the work in their online courses. Specifically, the focus group comments provide evidence of all the various factors that the literature says are intrinsic motivators—and that students like them and attribute their success to them. These factors confirm the findings from the mid-semester surveys and include engaging content, regular assessments, and consistent feedback. As with the survey results, students again made clear that such intrinsic motivators were important to whether they would do the work and master the course content.

1. Engaging Content

As students did in the mid-semester survey responses, the focus group students emphasized the motivating nature of engaging, interesting, and creative course content. For example, students discussed being engaged while applying the material. Practical material in online courses that is timely provides students intrinsic motivation not only by engaging them, but also by providing a glimpse into the career path that they are pursuing and excited to see. As one student stated, "the [online] class that I took, it was all about relevant pieces and pulling articles from the news that were current events."[135]

Mimicking the literature on intrinsic motivation, students also said that they are motivated to engage with the course when the professor designs the course to include creative and interesting materials, such as YouTube videos and video-recorded skits by the professor.[136] According to one student, "[T]he more that the instructor can put that kind of spin on things, the more motivated I was to log in and learn because I thought it was creative and I thought it was fun time spent for me."[137] Another student concurred, "When you take a class where you can tell where the professor's put time and energy into pulling together materials to teach you something, then we become motivated to engage with that and learn

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project to turn in the middle of the semester." Yvonne M. Dutton & Margaret Ryznar, Focus Group 2, (Apr. 12, 2018, 12:45 PM) (on file with authors) (Student 3). Another student described having a personality that facilitated intrinsic motivation, regardless of whether in online or live courses: "I guess the other motivating factor for me is I prefer things in my rear view mirror than in front of me, so . . . it's just how I'm wired, whether it's my job or anything else, it's just to get [to] something as soon as I get it." Yvonne M. Dutton & Margaret Ryznar, Focus Group 2, (Apr. 12, 2018, 12:45 PM) (on file with authors) (Student 7).

135. Yvonne M. Dutton & Margaret Ryznar, Focus Group 3, (Apr. 12, 2018, 4:30 PM) (on file with authors) (Student 3).

136. *See supra* Part I.B.

137. Yvonne M. Dutton & Margaret Ryznar, Focus Group 3, (Apr. 12, 2018, 4:30 PM) (on file with authors) (Student 3).

that material."[138] One student explained taking an online course specifically for the bar exam, but "was surprised in how much I liked the subject and I think it was because of the creativity the instructor put into it. So I was like, 'Yes! I'm in the right class,' because I liked that."[139] The same lessons hold for live courses. According to one student,

> I would say the same thing for live classes. Because again, live classes are what you make of them, so if someone is reading PowerPoints to you, that's probably not as effective as someone who is [a] very engaging speaker. It kind of keeps you on your toes throughout the entire class.[140]

The structure of a course, as any other course design feature, can provide intrinsic motivation by engaging students. In other words, the course content organization motivates students to do the work. One such decision for the professor teaching an online course is how long to keep the content open to students to foster their engagement and flow while also keeping students moving through the material.[141] Indeed, students identified a predetermined schedule of online modules locking and unlocking as motivation to complete their work by a deadline. One student noted being "self-motivated to watch the lectures at an earlier date," but ultimately "having that hard deadline every week helped motivate me to say, 'Okay, I really need to get working on this class.'"[142] Another student concurred, "[I]n terms of what motivates me [to] push through it [at] a certain pace, it's the deadlines, I'm sure."[143] Another student said nothing would get done without deadlines: "The deadlines make me do things, because I wouldn't normally be doing them, because I don't do them for

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138. Yvonne M. Dutton & Margaret Ryznar, Focus Group 3, (Apr. 12, 2018, 4:30 PM) (on file with authors) (Student 4).

139. Yvonne M. Dutton & Margaret Ryznar, Focus Group 3, (Apr. 12, 2018, 4:30 PM) (on file with authors) (Student 3).

140. *Id.*

141. "Mihaly Csikszentmihalyi, a pioneer in the field of positive psychology, . . . is credited with discovering that people find genuine satisfaction during a state of consciousness he called 'flow.' While in this state, people are completely absorbed in an activity, and feel 'strong, alert, in effortless control, unselfconscious, and at the peak of their abilities.' . . . [F]low states are generated by activities in which a person feels challenged, but not to the point of being stressed or bored (i.e., it's a good 'fit')." Scott E. Friedman, Andrea H. HusVar, & Eliza P. Friedman, *Advising Family Businesses in the Twenty-First Century: An Introduction to Stage 4 Planning™ Strategies*, 65 BUFF. L. REV. 425, 484 (2017).

142. Yvonne M. Dutton & Margaret Ryznar, Focus Group 1, (Apr. 11, 2018, 3:00 PM) (on file with authors) (Student 4).

143. Yvonne M. Dutton & Margaret Ryznar, Focus Group 2, (Apr. 12, 2018, 12:45 PM) (on file with authors) (Student 2).

my other classes."[144] "To what extent where you motivated to learn the material and how? When it closes at midnight on Sunday," another student said.[145]

In Online Trusts and Estates, the modules were each open for one week before locking. Based on student feedback, later versions of the course extended this period to ten days in order to include two weekends. In Online Comparative Law, meanwhile, the modules were open for two weeks before assignments were due, incentivizing some students to work on schedule instead of procrastinate. Others who were not procrastinators typically liked the structure of having two weeks open because it allowed them more time to learn and engage with the materials on a timeline that fit their schedule. A student who self-identified as already intrinsically motivated noted not needing a strict schedule of modules locking and unlocking. Instead, this student appreciated having modules open early for the opportunity to engage on the student's own terms: "I am not necessarily motivated by the structure or the deadline. I am intrinsically motivated, so having the ability to just start working and work as far as I worked."[146] This student therefore preferred longer periods of modules being open, rather than having them open and close on a strict weekly schedule.[147] Other students agreed that this helped learning, noting that "[h]aving a two week period to do it really was pretty nice and conducive

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144. Yvonne M. Dutton & Margaret Ryznar, Focus Group 2, (Apr. 12, 2018, 12:45 PM) (on file with authors) (Student 6).

145. *See* Yvonne M. Dutton & Margaret Ryznar, Focus Group 3, (Apr. 12, 2018, 4:30 PM) (on file with authors) (Student 1). *See also* Yvonne M. Dutton & Margaret Ryznar, Focus Group 2, (Apr. 12, 2018, 12:45 PM) (on file with authors) (Student 2) ("I think deadlines add more pressure to me to finish my work at a certain time.").

146. Yvonne M. Dutton & Margaret Ryznar, Focus Group 1, (Apr. 11, 2018, 3:00 PM) (on file with authors) (Student 2).

147. Another student agreed:

If you can see more modules and then schedule your time out over a two or three week period versus, like the class we've been talking about, where it's Monday start, Sunday end. Well, like you were saying, some of those projects we spent two or three hours on. Others took thirty minutes. You can't schedule your time. Okay, it's Monday and it opens up. Let's see this project. Well, I'm out of town this . . . Oh, boy, now I've got to completely redo my week because I just now am seeing, as the week is starting, what my workload is going to be for that week.

Yvonne M. Dutton & Margaret Ryznar, Focus Group 1, (Apr. 11, 2018, 3:00 PM) (on file with authors) (Student 5).

to learning."[148] A longer period of open modules also gave students fur-ther autonomy over their schedules, boosting their intrinsic motivation. Thus, professors must balance between instating deadlines in an online course and allowing students the space to lose themselves in the material.

2. Regular Formative Assessments

Students in the focus groups were also similar to the students re-sponding to the mid-semester surveys in noting how regular formative assessments helped them stay motivated to learn and master the course content. As one student said, "I'm more motivated when I know that there's something I need to turn in, or I even have to do."[149] Another stated, "I don't . . . I just, I'm much more inclined to read and do the work if I know . . . to submit a quiz by Friday."[150] According to another: "But, definitely the weekly assessments that you have to do give a little bit of a bump if you're just not feeling it that week."[151] Another student observed, "If I knew that my project was going to be based on a lot of the reading, then I would focus on the reading for that class."[152]

Students further explained how assessments were a motivating fea-ture of their online classes. For example, according to one student:

> I don't really read for [live] class, but I do read for my online classes, mostly because there are quizzes that are graded or something that's due, where I know my grade is gonna be dependent on me being able to synthesize information that I wasn't really necessarily taught the way that I'm taught that information in class.[153]

Others linked doing the assessments to making progress in the course. For example, one student stated, "my motivation was just [that] I was afraid I was going to miss a whole week and forget about it and then

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148.   Yvonne M. Dutton & Margaret Ryznar, Focus Group 1, (Apr. 11, 2018, 3:00 PM) (on file with authors) (Student 4). *See also* Yvonne M. Dutton & Margaret Ryznar, Focus Group 1, (Apr. 11, 2018, 3:00 PM) (on file with authors) (Student 5).

149.   Yvonne M. Dutton & Margaret Ryznar, Focus Group 2, (Apr. 12, 2018, 12:45 PM) (on file with authors) (Student 8).

150.   Yvonne M. Dutton & Margaret Ryznar, Focus Group 2, (Apr. 12, 2018, 12:45 PM) (on file with authors), (Student 6).

151.   Yvonne M. Dutton & Margaret Ryznar, Focus Group 3, (Apr. 12, 2018, 4:30 PM) (on file with authors) (Student 2).

152.   Yvonne M. Dutton & Margaret Ryznar, Focus Group 1, (Apr. 11, 2018, 3:00 PM) (on file with authors) (Student 1). The same student continued, "If I knew that the five question quiz was just going to be from whatever the lecture talked about[,] but was so general and so basic that it wasn't actually very easy to pick up if I googled it, then I didn't put the time in for that." *Id.*

153.   Yvonne M. Dutton & Margaret Ryznar, Focus Group 2, (Apr. 12, 2018, 12:45 PM) (on file with authors) (Student 6).

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have this gaping hole in my progress."[154] To the extent that live classes use regular assessments, students noted that they motivate engagement and learning too: "I have a couple of in-person classes where I have to do weekly summaries of the reading, and those are the ones whose reading gets done first. And then maybe I get [to] the other classes, maybe I don't. But it depends."[155]

3. Consistent Feedback

As did the students in the mid-semester survey responses, students in the focus groups stressed how consistent feedback was a component in motivating them to stay engaged in the course and to learn course concepts. Indeed, students made clear that professor feedback provided them with a sense of engagement and made for a better learning experience.[156] Students, in fact, found professor feedback infectious. For example, one student stated:

> I had a class where we had discussions, well discussions posts. It's a class where you had to answer the questions. Our professor, he responded to every single one of us separately, and I know that that took a lot of time. Handclaps to him. It was really helpful and he would respond to each of us on our personal little form thing. . . . And so, I felt that that class, the subject matter was hard, but the way that he was engaged, I think helped a lot.[157]

This student added that the professor was providing original feedback crafted directly in response to individual students:

> And it wasn't that he had done that three years ago, he had went through and read all of our responses and I'm sure he had the correct response he wanted, but he was saying, "You guys put this, and I would understand why you would put that, but it was actually this . . ."[158]

In sum, the focus group facilitator asked the students one specific question on motivation. Responses identified the themes of engaging content, regular assessments, and consistent feedback. These responses

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154. Yvonne M. Dutton & Margaret Ryznar, Focus Group 3, (Apr. 12, 2018, 4:30 PM) (on file with authors) (Student 4).

155. Yvonne M. Dutton & Margaret Ryznar, Focus Group 2, (Apr. 12, 2018, 12:45 PM) (on file with authors) (Student 8).

156. *See* Yvonne M. Dutton & Margaret Ryznar, Focus Group 3, (Apr. 12, 2018, 4:30 PM) (on file with authors) (Student 1).

157. *Id.*

158. *Id.*

aligned with the themes in the literature on how professors can intrinsically motivate their students.[159] They also reflected the same student sentiments expressed in other parts of the focus group discussion and the anonymous survey responses.[160]

CONCLUSION

In online teaching especially, course design and teaching methods are a core part of the teaching endeavor because the professor must motivate the student remotely. This fact alone means that professors must use teaching tools in addition to and different from those they use to motivate students in a live classroom setting. To aid consideration of this problem, this Article has presented empirical data on how professors can design online courses to motivate their students. This empirical data suggests various ways to amplify students' motivation.[161]

Professors should aim to cultivate intrinsic motivation in particular. This is because extrinsic motivation already exists for many students by virtue of the structure of law school—the focus group responses show that many students are already motivated by the final exam and the bar exam. However, students appreciate when professors provide, through the course content, other motivations to learn. The mid-semester surveys also confirm that while students may take online classes for their flexibility, they learn for more complex reasons stemming from intrinsic motivation. Although intrinsic motivation is more elusive than extrinsic motivation, it is more helpful to student performance and satisfaction.

In reflecting on their law school online programming at IU McKinney, students emphasized several factors that provide them intrinsic motivation to complete and learn in the course. These include engaging content, regular assessments, and consistent feedback.[162] Such conclusions

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159. *See supra* Part I.B.

160. *See supra* Part III.A.

161. "[E]ducators must employ a variety of methods to engage student learners." Jason S. Palmer, *"The Millennials Are Coming!": Improving Self-Efficacy in Law Students Through Universal Design in Learning*, 63 CLEV. ST. L. REV. 675, 702 (201). For example, visual materials have been well received by students and have the benefits of better presenting some information for students with visual learning styles and exemplifying the use of visual materials in legal practice. *See, e.g.*, Eric A. DeGroff, *Training Tomorrow's Lawyers: What Empirical Research Can Tell Us About the Effect of Law School Pedagogy on Law Student Learning Styles*, 36 S. ILL. U. L.J. 251, 264 (2012); M.H. Sam Jacobson, *A Primer on Learning Styles: Reaching Every Student*, 25 SEATTLE U. L. REV. 139, 151–54 (2001); *see generally* Fred Galves, *Will Video Kill the Radio Star? Visual Learning and the Use of Display Technology in the Law School Classroom*, 2004 U. ILL. J.L. TECH. & POL'Y 195 (2004) (discussing the advantages and disadvantages of using display technology to teach law).

162. *See supra* Part III.

by the students parallel those of the literature on intrinsic motivation, showing that students want intrinsic motivators in their courses.[163] These findings also confirm that professors can intrinsically motivate their students through course design and teaching methods.[164] As the students underscored in their responses, these issues are largely the same in both live and online courses.

In sum, the study of motivation in online programming is important given its central role in learning. Empirical work helps advance the understanding of motivation. Thus, this Article has presented data and analysis about motivating law students to learn, particularly in the online setting. Future research should continue exploring how to build law students' intrinsic motivation, especially in online courses.

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163. *See supra* Part I.B.

164. "Instructors should design their courses to promote students' motivation to engage in the course activities productively." John Lande et al., *Principles for Designing Negotiation Instruction*, 33 HAMLINE J. PUB. L. & POL'Y 299, 305 (2012).

APPENDIX A—MID-SEMESTER SURVEY QUESTIONS

Online Comparative Law—Mid-Semester Survey Questions

1. Are you learning what you expected to learn in this class?

2. What do you like best about the course? Please explain.

3. In general, is there anything about the course that you think needs improvement? How would you improve it?

4. Which material did you feel was presented most effectively? Why? Please describe any particular techniques you found effective.

5. Do you have any specific recommendations for how the course can be improved for the remainder of the semester or next time I teach it? If so, please describe in detail your suggestions.

6. Regarding the online nature of the course specifically, do you feel the activities enhance your learning of the material? Please explain.

7. What is your "favorite" type of online activity – discussion boards, quizzes, research? Please explain.

8. Do you feel connected to your instructor? Do you feel connected to your classmates? Please explain.

9. Have you had any technical difficulties accessing materials? Do you have any recommendations regarding how to explain technical requirements or avoid any technical challenges in the future?

10. Would you take another "online" class in the future? Why or why not?

Online Trusts and Estates—Mid-Semester Survey Questions

1. What about this course is working well for you?

2. What about this course is not working well for you?

3. What is your most AND least favorite type of online activity – discussion boards, quizzes, polls, or sample essays & answers? Please explain.

4. Would you take another online class in the future? Why or why not?

APPENDIX B—FOCUS GROUP GUIDE: ASSESSING STUDENT ENGAGEMENT AND LEARNING IN LAW SCHOOL ONLINE COURSES

<u>Preliminary Comments</u>

Mr. Jerolimov will introduce himself and Ms[.] Long. He will provide potential subjects with the informed consent document. He will provide time to read the document and ask questions. He will answer any questions. He will collect all signed consent forms before beginning the FG [focus group] session. Any student not wishing to participate after reading the consent form will be excused.

After consent forms have been collected and any potential subjects excused, Mr. Jerolimov will briefly explain the mechanics of the FG session. Namely, he will serve as the moderator posing questions that should be used to prompt conversation among the FG participants. This is not an interview; the goal is to stimulate interaction and thinking among the participants.

Mr. Jerolimov will also remind participants that he and Ms. Long will keep their identities and comments during the session confidential. He will also ask that participants not share information that occurred during the session with others so that everyone can feel confident in speaking freely.

Introductions of FG Participants

Mr. Jerolimov will explain that participants will not be identified in any publications based on this research, nor be identified to Professors Dutton and Ryznar. Nevertheless, Mr. Jerolimov will ask participants to identify themselves by name so that Mr. Jerolimov and Ms. Long may keep records of the session. To ensure that participants meet the criteria for the study, he will also ask participants to state how many online courses they have taken at IU McKinney and when they took those courses.

What is your name?

How many online courses have you taken at IU McKinney?

During what year or years did you take online courses at IU McKinney?

Online Versus Live for Student Engagement and Learning: Launch Questions to Stimulate Conversation and Interaction

Before posing specific questions, Mr. Jerolimov will remind participants that the research does not require them to name particular professors and courses and that their comments can be more general in nature.

He will also inform participants that their responses are neither right nor wrong; participants can also disagree with views expressed by other participants.

You have all taken at least one online class at IU McKinney and many live classes. How do you compare the online experience to the live experience in terms of **student engagement** – being engaged in learning the course material? Be specific. (Again, there is no need to mention names or courses. You could mention types of activities in online or live classes that you feel do or do not enhance student engagement with the material instead.)

You have all taken at least one online class at IU McKinney and many live classes. How do you compare the online experience to the live experience in terms of **student learning** – actually learning the course material? Do you feel students learn more or less in one environment or the other? Be specific about what learning was (or was not) improved, and why you think it was (or was not) improved. (Again, there is no need to mention names or courses. You could mention types of activities in online or live classes that you feel do or do not enhance student engagement with the material instead.)

As students who have taken one or more online classes at IU McKinney, do you have any views about whether the school's online classes are more or less rigorous (however you wish to define that term) than the live classes at IU McKinney?

As students who have taken one or more online classes at IU McKinney, do you have any views about whether particular types of students benefit more or less from online or live classes in terms of student engagement or learning?

Online Programming Generally: Launch Questions to Stimulate Conversation and Interaction

As students who have taken one or more online classes at IU McKinney, do you have views as to the primary reasons why law students at this school may wish to take a class online – as opposed to live?

As students who have taken one or more online classes at IU McKinney, would you recommend that students take online classes at the law school? Why or why not? Be specific.

Strengthening Online Programming Generally: Launch Questions to Stimulate Conversation and Interaction

As students who have taken one or more online classes at IU McKinney, what advice would you share to help make that programming as strong as possible in terms of engaging students and enhancing student learning of material? In particular, are there any specific activities or teaching methods that you believe are particularly helpful to student engagement and learning in the online learning environment?

As students who have taken one or more online classes at IU McKinney, do you believe law students could benefit from more online programming? Why or why not? Be specific.

Students in online courses do the work on their own time. As students who have taken one or more online classes, how were you moti-

vated to do the work? Were you self-motivated? Or did the course structure or activities motivate you to do the work and learn the course material?

<u>Overall Conclusion About IU McKinney Online Programming: Launch Questions to Stimulate Conversation and Interaction</u>

Overall, what is your assessment of the quality of IU McKinney's online programming? Give reasons why you conclude as you do.

<u>Open-Ended</u>

Anything else you would like to share about IU McKinney's online programming as regards student engagement and learning?

Any other recommendations about the online programming at IU McKinney? (E.g., more courses online? More of some types of courses online? More courses during the summer or not? Why?)