INTEGRATING GLOBAL ONLINE LEGAL EDUCATION WITH AN ON-CAMPUS FRANCHISE COURSE: A ROLE FOR MOOCS

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Abstract

This article profiles a MOOC on International Franchise Law offered by UNSW Sydney in 2016. The IFL MOOC is an example of an open access legal education course that was successfully integrated in real time into an on-campus curriculum for students majoring in business law. Opportunities, and future challenges that emerged for legal education are addressed.

Keywords: international franchise law, legal education, MOOC.

Introduction

A qualification earned following acceptance to a course, remains the usual path to a university qualification. Massive Open Online Courses (MOOCs) have introduced an alternative. Reduced government funding, deregulation of the tertiary sector and high tuition fees, make access to free, flexible, high quality, open source programs, such as MOOCs, popular.

MOOCs “originated in the US in 2008 to describe free, easily accessible, completely online courses. [They enable learners to] study with top universities.” (FutureLearn, 2016). Students can study specialist subjects outside a traditional university program, without completing prerequisites, or attaining entry scores. According to Luo:

“[a] MOOC gathers high quality teachers and affluent course resources and breaks the limitation of time and space in traditional class to meet students' requirements in using 'fragmented time' to learn” (Luo, 2017).

Characteristically, MOOCs are personalised, flexible and accessible. Learners can progress at their own pace, at any time and from anywhere. They can interact with teaching staff through discussion forums and other learning activities that create virtual learning communities.

Legal education faces several issues; its content, audience and the public perception of the law. Law schools are criticised for their failure to modernize curriculums (Gordon, 2007; Maharg, 2016). Australian law school curricula are based on the Priestly Eleven; Administrative Law, Civil Dispute Resolution, Company Law, Contracts, Criminal Law and Procedure, Ethics and Professional Responsibility, Equity, Evidence, Federal and State Constitutional law, Property and Torts. Australian legal practitioners must study all eleven. Numerous topics cannot fit into the space left by the Priestly Eleven. Legg (2017) recognises, for example, that:

“The speed with which technology is improving, and changes to the provision of legal services occurring, requires that the skills for lawyers (and law related occupations) be under continual evaluation, and correspondingly, the teaching of those skills be continually updated and improved.”
The prevailing liberal model of legal education originated in industrial societies and the relationship between tertiary institutions and the state during the 18th and 19th centuries (Maharg, 2016). Now, the that model is being replaced by the new legal realism movement (Mertz, Macaulay, & Mitchell, 2016) and contemporary curriculum innovations which feature, among other shifts noted earlier, a focus towards practical skills, clinical programs and internships. As Frey (2007) forecast:

“The education system of the future will undergo a transition from a heavy emphasis on teaching to a heavy emphasis on learning. Experts will create the courseware and the students will learn anytime or anywhere at a pace that is comfortable for them, learning about topics that they are interested in.”

Some studying law do not become a lawyer. Some lawyers need to upskill in one field of law. MOOCs are well adapted to fill these roles.

UNSW Sydney’s MOOC, “International Franchise Law: The World is Yours” (IFL) is presented as a case study in this article. It was offered in traditional MOOC format on the FutureLearn platform and integrated into the curriculum of a for-credit degree course. The paper first places the MOOC into context for what it can contribute to legal education. In the case study section, IFL, and the blending of the online and in-class modes of teaching is unpacked. In the discussion the value the IFL MOOC provided, and the potential of MOOCs for improving legal education is addressed. Before concluding, opportunities and challenges presented by MOOCs are considered.

Context

The cost, utility and absence of education are significant problems today. Increasing educational equity and accessibility is at the core of the research and advocacy by many international organisations. The Organisation for Economic Co-operation and Development (OECD), the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the Australian Human Rights Commission are but three. The OECD’s “Education at a Glance” report emphasises the need for equity in education, where all students have the same opportunities for educational success. Target 4.3 reveals a strong equity focus, by referring to “equal access for all women and men” (OECD, 2019; p.32). UNESCO identifies the role of education in enabling individuals, especially women, to live and aspire to healthy, meaningful, creative and resilient lives. Education strengthens their voices in community, national and global affairs. It opens up new work opportunities and sources of social mobility (UNESCO, 2014).

MOOCs can increase affordability and accessibility of higher education. According to QS Top MBA, the average MBA degree costs US $60,000, increasing to over US$100,000 (Ollerton, 2018). “No Pay MBA” offers a MOOC-based MBA program (discussed later) for 1/100th of the cost of a traditional degree (Kaplan & Haenlein, 2016). It is unlikely that specially curated MOOC degree programs will be limited to the MBA degree. MOOCs also have the potential to transform the cost of providing continuing professional development, enabling employers to mandate the completion of MOOCs instead of creating bespoke material.

McGee et al argue that the purpose of legal education is to help train the next generation of lawyers to participate in the public sphere and contribute to the health of Australian democracy (McGee, Guihot, & Connor, 2013). But Thornton (2012) recognised “legal education is increasingly being viewed as a purely private good, for consumption by the student in the quest for individual career enhancement.” MOOCs can widen access to legal education and facilitate the return of reputation-restoring faith to the legal profession. Public legal education through MOOCs can provide individuals with a greater understanding of the law. Legal associations now offer public education and outreach initiatives. MOOCs allow providers to extend their reach. The Law Society of Ireland’s:
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“MOOC [for non-lawyers] series has generally portrayed the legal community in a positive fashion and broken-down barriers between the public and the profession through the creation of a free space for interaction and engagement as peers” (Grealy, Collender, Lunney, & O’Boyle, 2019).

The impact of online legal education is profound. Former Australian High Court Judge, Justice Michael Kirby identified five advantages (Kirby, 2011). It can serve regional and rural needs, use new technology, cater for special cultural needs, provide continuity and change in curricula and supplement online with practical outreach.

Insights derived from IFL support Kirby’s statement that online learning can cater for special cultural needs and provide access to legal knowledge in a way that is impossible to accommodate in the campus-based classroom. Online learning opportunities, including MOOCs, can enable otherwise marginalised women to access education (Tubaishat, Bhatti, & El-Qawasmeh, 2006). They facilitate freedom of expression for women in mixed gender classes. This might not otherwise be possible for this group of learners. In IFL, for example, women from Syria and Iraq accessed the MOOC, studied the content and shared their opinions. These women may not have had access to face-to-face learning opportunities domestically. “According to UNESCO, 26.4% of Iraqi women are illiterate, with the percentage believed to be much higher in rural areas, reaching up to 50%” (UN Women, 2019).

**Integrating MOOCs into University Programs**

Both the role of universities and the value of a formal degree qualification are shifting (Wolfe & Andrews, 2014). A group of MOOCs can comprise an entire degree. Alternatively, MOOCs can be integrated into university programs to enhance a formal degree, as micro-credentials or as alternative admission pathways. These roles are discussed below.

**MOOCs as a Degree**

The “No Pay MBA”, mentioned earlier, “has curated MOOCs from business schools, including Harvard University, Yale University and Wharton Business School, into a curriculum that is equivalent to a full-time … MBA program. It comprises MOOCs covering 14 core courses, 3 electives, and 4 focused electives. Although the MBA is not accredited [yet], the offer sounds rather convincing” (Kaplan & Haenlein, 2016).

**Supplementary Materials to Face-to-Face Teaching**

Universities continually look at increasing student participation and improving student outcomes through the use of new technologies (Colbran & Gilding, 2013). MOOCs provide an avenue for this. Online resources offer “innovative opportunities to supplement traditional classroom pedagogy” (Bennet & Walston, 2015).

Different approaches to integrating MOOCs into mainstream teaching have been explored. Researchers at Georgia Institute of Technology found the use of a flipped model of delivery successful, where face-to-face students participated in the MOOC prior to classes so that they were prepared to solve problems during class (De La Croix & Egerstedt, 2014). Ostashewski, Howell, and Dron (2017) conducted an Australian study of first year undergraduate pre-service education students. They compared the experiences of 149 students in a fully on-campus course and 196 undertaking the same course via a MOOC. All students were assessed for credit. Of the 48 students (14 percent) who replied to a survey question about their experience of the MOOC, “60 per cent found [it] enjoyable, [for] 12 percent [it] added nothing to the course, and 28 percent felt it was
challenging and caused stress” (Ostashewski et al., 2017). In the IFL case study, discussed below, all students in the face to face course participated in the MOOC.

**Micro-Credentialing, Badging and Recognition of Prior Learning**

Micro-credentials are certification-style qualifications study to improve students’ knowledge or skill in a specific area. An authenticable digital badge representing knowledge of a skill, quality or ability is on offer. It can be used to add depth or breadth to an individual’s job or promotion application.

A 2016 report on shifts in the demand for education and the rise of alternative credentials indicated that 64 per cent of the 190 higher education institutions surveyed identified alternative credentialing to be an important future strategy. 67 per cent of this sample envisaged alternative credentialing to be a source of supplementary income (Fong, Janzow, & Peck, 2016).

Traditionally, prior learning may have been recognised for vocational study or study at another university. Now, universities use recognition of prior learning (RPL) as an admission criterion or towards course credit. However, according to Milligan and Kennedy (2017):

“Increasingly, micro-credentialing is emerging as another measurement of RPL, … increasingly being seen by both individuals and tertiary education providers as a legitimate means of evidencing not only learning or competence credited by other institutions, but also that attained in the workplace.”

Micro-credentialing of MOOCs is used in EdX’s MicroMaster’s program, a 14-university partnership, allowing students to complete a Master’s program through MOOCs, including a micro-masters in international law. EdX lists employers that recognise the qualification received at the completion of the program. Employers include PWC, IBM, Adobe and Bloomberg. Separately, organisations such as The Learning Store, and Modern States Alliance have been established in the United States to credential attainment that is not recognised under the traditional tertiary admission definitions of formal learning.

For most lawyers, admission to the Bar is followed by continuing professional development (CPD). In the context of postgraduate legal education:

“The line between [CPD] and postgraduate study is being blurred by the emergence of 'micro-credentials' and the ability to 'stack' them to earn credit towards a traditional postgraduate qualification” (James, 2018).

James (2018) suggests:

“While … the ongoing commodification and vocationalisation of higher education [is concerning], … the development is on balance a positive one.”

MOOCs have the potential to bridge the gap between CPD and postgraduate study, providing an alternative admission criterion, a mechanism for recognising prior learning and experience, or knowledge in an area not previously studied.

**Alternative Entry Pathways Promoting Equitable Access to Higher Education**

MOOCs can offer an alternative entry pathway to higher education for students from disadvantaged socioeconomic backgrounds. In Australia, university admission for high school leavers is based on the Australia Tertiary Admissions Ranking (ATAR). Strong correlations exist in the academic literature between the ATAR and the socioeconomic background of the student’s school, with higher achievement directly linked with higher socioeconomic status (Knipe, 2013;
Willis & Joschko, 2012). Students from lower socioeconomic areas are at a disadvantage, regardless of their innate abilities.

While many believe that the ATAR offers the best indication of a student’s ability to succeed in tertiary studies, research that evaluates the impact of a low socioeconomic background on students’ likelihood of completing high school and embarking on tertiary study is telling (McInerney & Smyth, 2014). Knipe compared the progression of students entering university based on their ATAR with those admitted using a TAFE (Technical and Further Education) qualification, concluding there is “little difference in course completion rates between entry pathways” (Knipe, 2013). For Knipe, entry scores, like the ATAR, are not a robust predictor of a student’s ability to complete their program. Willis and Joschko (2012) suggest that students gaining admission to university with a TAFE qualification scored consistently higher grades than ATAR-based entrants. Factors like maturity, or increased familiarity with time management, or that TAFE enables overcoming structural inequalities may also be relevant.

Attracting students from low Socio-Economic Status (SES) backgrounds to high-ranking law schools is challenging. To determine which students are “low SES” the Australian Bureau of Statistics (ABS) uses census data to construct an Index of Education and Occupation (SEIFA). Low SES students are those living in the bottom 25 per cent of Statistical Areas. Law programs often require a very high ATAR. According to the Australian Government’s 2017 Report on Undergraduate Applications, Offers and Acceptances, students from low SES background are less likely to be made an offer at a Group of Eight (Go8) University (Australian Government, 2017). The Go8 are Australia’s leading research-intensive universities. To overcome the correlation between SES status and admission into undergraduate law programs, UNSW Sydney launched the Law Admission Test (LAT) in 2016. It was designed to provide a more comprehensive admission ranking that the ATAR and increase student numbers from low SES backgrounds (University of NSW, 2020). Anecdotally, the LAT has not resulted in attracting more low SES students. The UNSW Law School is now considering pre-entry education to increase low SES entry.

**International Franchise Law Case Study**

The UNSW Sydney (UNSW) researchers and educators who created IFL wanted to explore the possibility of offering legal education as an extension to the usual law or business school offering as well as an introduction to non-lawyers in a field, franchising, that is increasingly important for business and law graduates. The key parties in a franchise relationship are franchisors, who commercialise a business idea, franchisees, licenced to clone their franchisor’s business idea and grow dependent franchise businesses using the franchisor’s brand and expertise. Franchising, the model behind brands like McDonalds, Subway, motor vehicle dealerships and Hilton Hotels, is presented to aspiring franchisees as a deceptively simple way to profit in business. Legally, the model is complex, fast evolving, and full of traps for the novice adviser.

Few universities include courses on franchise law in their business school (Cumberland et al, 2019), or law school (Gurnick & Meiklejohn, 2017) yet franchises contribute significantly to national economies, and is poorly understood. No online course on international franchise law existed.

UNSW’s law MOOC, “International Franchise Law: The World is Yours” (IFL), was a direct outcome of the University’s 2014 Learning and Teaching strategy. The strategy’s blended and online learning focus led to UNSW’s commitment to funding a suite of MOOCs across several disciplines, with nine objectives:

- learn from the experience of developing and delivering MOOCs;
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- use the data to improve the quality of on campus and blended learning programs and courses;
- build institutional capacity for producing quality online and blended learning;
- conduct research into the emerging practices in online learning and teaching;
- provide remediation support for current and prospective students in ... key areas;
- deliver non-accredited continuing professional education;
- enable admission of new students by providing opportunities for them to develop and demonstrate the necessary pre-requisite knowledge and skills;
- showcase quality UNSW programs, courses and teacher expertise; and
- develop students’ understanding of the standards required to pursue [education] at UNSW.

IFL, the only MOOC about international franchise law, was modelled on the on-campus elective, “International Franchise Law”. That course is offered once a year. In 2016, there were 44 students in the on-campus course. IFL as a MOOC was offered twice during 2016 and had a total of 5,921 enrolled learners from 165 countries.

IFL used a video-based case study approach to explore franchising through the experience of Michelle and Brian – a Sydney couple expanding their boat cleaning business. The case study presented a real situation encountered by a business to draw out issues and challenges in establishing and expanding a franchise.

The IFL design and delivery team comprised academic and non-academic staff and students, external providers and franchise lawyers from Australia, Canada, England, France and the United States. The subject law experts were from the School of Taxation and Business Law and three law graduate teaching assistants (TAs). They monitored the discussion forums throughout each six weeks of IFL. Students performed alongside professional actors in the case study videos. External providers included two professional actors, a professional educational video-making company and FutureLearn.

Videos comprising six episodes of a case study, 18 academic instruction videos and eight legal experts contributing to topic-specific interviews provided education from industry experts and academics. On-line learners participated in 22 discussion forums, six “check your understanding” quizzes, six tests and five online polls. They also received weekly emails summarising the previous week and introducing the week ahead. A list of internationally focused additional resources was provided, including open source and user-pay links to academic research, legislation and cases.

IFL ran in English, the official language of 54 countries (North Carolina State University, 2019). It was chosen as the teaching language as it is the language of UNSW and most of the legal experts. To make the material as accessible as possible the academic lead spoke clearly in videos. Full written transcripts for the experts, and English sub-titles were provided throughout.

**Curriculum and Assessment of the IFL MOOC**

IFL’s curriculum was based on a 12-week face-to-face course, adapted for the six-week MOOC and its culturally and educationally diverse audience. We assumed learners had no knowledge of franchise law, then ramped up quickly after laying a grounding. The content was fixed from the outset and opportunities for online discussion abounded. MOOC participants were assessed superficially. They could participate in polls, and six multiple-choice quizzes. All responses led to explanations. IFL was described to learners in the following terms.
Syllabus:
Week 1: Introduction and cultural dimension of international franchising, comparison of business expansion models and brand due diligence.
Week 2: Brand due diligence and domestic franchise arrangements, obligations and responsibilities in the franchise agreement.
Week 3: Franchising law and franchise expansion strategies
Week 4: Property – intellectual, real and personal
Week 5: Dispute resolution
Week 6: Exit strategies, franchisor failure and the future of franchising (ecommerce and social franchising)

Information: Each week will commence with a case study.
The issues arising in and beyond the case study will be unpacked through talks by the educator and video interviews with, and expert written comment from legal experts from around the world.

On completion of this course the learners should be able to:
- identify the key cultural and legal issues that need to be understood for successful international franchise expansion
- critically evaluate a range of different international expansion models
- identify and research the laws relevant to franchising in international jurisdictions
- understand the key drivers and relationship issues between franchisors and franchisees that operate across jurisdictions

Figure 1.

As can be seen from the syllabus, IFL explored the legal context in which international franchising business is conducted. Differences between common law and civil law were discussed by the legal experts.

At the conclusion of each MOOC learners were invited to complete a 30-question survey. Ethics approval number HC15895 was issued by UNSW. Some questions were pre-populated by FutureLearn, the remainder pertained to IFL. Responses numbered between 25 and 198.

On Campus Study

The second iteration of IFL coincided with the on-campus for-credit course. The UNSW students enrolled in the MOOC. They were asked to participate in all MOOC activities. In this way, they could benefit from resources, activities and participation in the global MOOC.

Twenty percent of final marks were allocated to activities requiring engagement with the MOOC. To give the students marks for their participation without the lecturer having to mine the MOOC’s discussion forums to find, and risk missing, the students’ contributions, the UNSW students needed to engage online, but separately. A blog was set up in the on-campus course Moodle site. Students could earn marks by making at least two posts to the blog on Moodle on any material addressed in IFL (10 marks were available) and five comments on posts by MOOC learners (10 marks were available). The blog was monitored and marked by the lecturer. The UNSW students were encouraged to take ownership of the blog, actively participate in online information sharing (materials such as articles, media releases, images, videos, podcasts) and collaboration in relation to the topics discussed in the MOOC with each other outside of the classroom, and to reflect on their learning about IFL.
Results

IFL’s success in providing knowledge about a field of law is evidenced by the fact that 88 percent of online learners who started a module completed it. This is the highest level of engagement from learners amongst all UNSW’s FutureLearn MOOCs.

**Why on-Line Learners Enrolled in IFL**

Based on responses to the post-MOOC questionnaire, the data analytics highlighted three dimensions that brought learners to IFL, as shown in Table 1:

<table>
<thead>
<tr>
<th>Reason</th>
<th>Component 1</th>
<th>Component 2</th>
<th>Component 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>To find out more about the institution running the course</td>
<td>0.789</td>
<td>0.006</td>
<td>0.186</td>
</tr>
<tr>
<td>As part of UNSW study or course</td>
<td>0.761</td>
<td>-0.011</td>
<td>0.12</td>
</tr>
<tr>
<td>I’m taking this course to find out how FutureLearn works</td>
<td>0.718</td>
<td>0.102</td>
<td>0.025</td>
</tr>
<tr>
<td>This mode of study is the only educational avenue available to me at this time</td>
<td>0.686</td>
<td>0.308</td>
<td>-0.198</td>
</tr>
<tr>
<td>I’m taking this course because I can fit it round my lifestyle</td>
<td>0.237</td>
<td>0.673</td>
<td>0.052</td>
</tr>
<tr>
<td>I’m taking this course to improve my career prospects</td>
<td>-0.203</td>
<td>0.669</td>
<td>0.569</td>
</tr>
<tr>
<td>I’m taking this course to do my current job better</td>
<td>0.296</td>
<td>0.637</td>
<td>-0.026</td>
</tr>
<tr>
<td>I’m taking this course because I want to learn about the subject</td>
<td>-0.348</td>
<td>0.633</td>
<td>0.398</td>
</tr>
<tr>
<td>To support a university application</td>
<td>0.3</td>
<td>-0.108</td>
<td>0.856</td>
</tr>
<tr>
<td>I’m taking this course to support current or future studies</td>
<td>0.013</td>
<td>0.397</td>
<td>0.79</td>
</tr>
</tbody>
</table>

Extraction Method: Principal Component Analysis.
Rotation Method: Varimax with Kaiser Normalization.
a Rotation converged in 20 iterations.
KMO = .709

The first component in Table 1 suggests learners’ explorative intentions in experiencing a MOOC. The second, that learners perceive IFL would benefit their career. The third suggests that learners consider doing IFL benefits their immediate/near future studies.

In terms of delivering education to a cohort that would not otherwise have access, IFL delivered. Feedback in the post MOOC surveys included: “the only educational avenue open to me” and “this course fits around my lifestyle”. These confirm that MOOCs, can deliver knowledge to diverse audiences on legal issues. “Accessibility … means that education must be available to all without discrimination, in law and in fact, physically accessible, and economically accessible.” (Australian Human Rights Commission, 2000). Accessibility is evidenced by the fact that learners from 165 countries enrolled in IFL.

Flexibility is demonstrated by the range of answers to the post-survey question “Q7 – Where did you do the course?” Of the 25 responses, 64 percent replied “at home”, and the rest from work, university or place of education, during a commute, at a friend’s house, or in a public place.

The clear legal focus was appreciated by some who felt they knew a lot about franchising from having worked in franchised businesses, or had been introduced to the model through a marketing course, but knew there was a gap in their knowledge that could only be filled by understanding the laws regulating the model. For example, a learner from the Black Sea Port of Novorossiysk posted:

"... it was very interesting and useful course. I can tell that as a lawyer I’ve found a lot of information for thinking there. This course is the best law MOOC which I met. ... Special"
thanks to participants who has taken part in discussions:-). You’ve brought so many additional information about your country’s legal systems that [the] course became for twice more effective. Great thanks.”

Another, from Yemen, did the course to improve their ability to negotiate better for clients saying:

“I have negotiated once with an international fast food franchisor to open a branch in my country. I wish I had this course then. I am taking this course to better understand all the aspects of International franchise in order to help myself or others get the best deal from franchisors.”

As became clear from IFL’s data analytics, online learning empowers some learners to be less inhibited sharing their thoughts than in a face-to-face classroom. For example, responding to a question about which expansion strategies learners preferred:

“2nd one, to respond opportunistically to enquiries from prospective franchisees, sounds for me a bit complacent or irresponsible…” (Learner 1: in Japan)

“I think it over again, and it occurred to me that it means a franchiser takes it as an opportunity to seek for franchising business when a prospective franchisee contacts it for inquiry. In that case, it is not irresponsible at all.” (Learner 1)

“I do agree with your comment in regards to the second expansion strategy of responding opportunistically to enquiries from prospective franchisees. I do not think it makes the franchisor ‘complacent’ or ‘irresponsible’ but rather puts the onus on the franchisor to seek out potential individuals or businesses.” (Learner 2: in Botswana)

Learners contributed to their own and their peers’ learning throughout IFL, leading to 95 percent of post-survey respondents rating their overall experience as good or excellent along with positive feedback such as:

“Thank you so much to all the people that has [sic] made this course such a wonderful learning experience. I have enjoyed all the resources in the course as well as all the comments from my fellow learners and educators. You have done an excellent work!”

Comments from learners suggest the effort put into personalising the IFL course was a key factor in its success. The role the academic lead, TAs, and learners took in initiating posts, monitoring and responding to questions that arose in discussion forums generated comments like:

“I sincerely commend you all – Jenny, Shaun and Courtenay and all participants in this course for making it interesting, educative, interactive and exciting for me. … Many thanks!

The structure of the course and educators’ involvements in each discussion are incredible.”

Personalisation was also evident when learners were asked “How could the course be improved?” One responded

“Sometimes things got more technical than I could follow, so for non-lawyers like me it would be helpful to clearly explain some of the legal terminology (especially in the guest experts videos/articles), but generally this was supported and clarified by the educator’s comments in the forums, which was valuable.”
When asked about their favourite part of the course, many commented that combining quizzes and videos helped them learn and retain information. Interactions with peers also promoted understanding of the subject matter, for example,

“Such a dense subject matter was made more accessible not only by the case study, but by the contributions of participants who took the time to answer questions and post their findings, thank you.”

The post-MOOC questionnaire indicated that 95 percent of learner-respondents valued the inclusive and diverse experience of learning about the law. Eighty-nine percent of the learners valued being included in a learning forum with international experts. The expert videos

“presented different viewpoints from real people with knowledge of the subject area.”

One learner from Hong Kong commented about Guest Legal Experts:

“I really enjoyed this course and the interactions with the educators and other learners. It is a lot better than the lecture driven learning. I sit in the lecture hall for the entire three hours (well with a 20-minute break) just listening to the lecturers almost passively. There is hardly any time to be analytical and critical and I’d say I can absorb, at the most, 20% of the information given.”

“I found the antitrust law is quite difficult. I don’t really quite understand the concept of rule of reason and per se in relation to the tying arrangement (price fixing and territorial restraints). Probably I’ve got to read the legal cases concerned (Kahn & Legin) to understand them.”

“Really rich insights into legal consideration for franchise expansion given in tasks 3.9 and 3.10.”

Learners also benefitted from the real-world relevance of the case study as evidenced by “most liked” features including:

“watching the case study videos – seeing how the concepts taught were applied to a real-life case made it more engaging”

“The case study scenarios which you give you a strong boost of understanding the main subject from A to Z”

“I felt the use of case study through the course gave it valuable relatability.”

**On campus evaluation**

On-campus students at UNSW complete a post-course survey called “My experience” towards the end of the semester. Feedback from the 2016 survey showed that this cohort valued various aspects of the MOOC activity, for example,

“I really enjoyed the MOOC blog.”

“Interactive lecturers, different forms of resources.”

“The digital resources and the incorporation of the MOOC Blog.”

“There is an online forum for more understanding of the concepts about franchising.”
During the semester students were asked for their impressions of the MOOC material. Two answered:

“[the lecturer’s] content video 1.12 ‘the concept of culture’ was an excellent introduction about the importance of cultural considerations when deciding which jurisdictions are appropriate for expansion, and the different aspects of culture that would be relevant. This allowed [us] to begin pondering beyond mere demand for product in a jurisdiction to wider considerations such as language and business culture”. (Jashan)

“We found the MOOC video on culture to be extremely helpful, particularly given the broad definition of culture”. (Ashley)

Discussion

For online learners IFL provided global access to free legal education in circumstances where, due, possibly to personal, social, political, socio-economic or cultural circumstances, they may otherwise have been unable to participate in specialist education (Adham & Lundqvist, 2015; Chun, 2011; Kirby, 2011). The experience of on-campus learners was enriched by their ability to interact with a much larger and more diverse cohort than that found in the on-campus classroom.

Whether IFL succeeded as a tool to grow legal knowledge can be addressed through learners’ comments.

“I’ve enjoyed this course…I’ve worked in franchising in the UK for a long time but am not a lawyer, so this was a very informative ‘bridge’ to add to my understanding of the issues.”

MOOCs offer solutions to the issue of integrating technology as a delivery method. By enabling students enrolled in a degree program to take a MOOC on a specialised legal subject, for credit, both the home faculty and the student benefits.

Delving into the specific topics discussed in IFL yields a wealth of information that learners shared willingly. One insight in response to how people conduct due diligence most effectively was:

“I believe the best way to perform an effective cultural due diligence is to visit the target country and speak to Taxi drivers, ordinary people business owners they usually have great stories to tell and would draw your attention to various hidden treasures in the country”.

A Nigeria learner contributed:

“We have over 500 dialects in Nigeria .... Some parts … may not accept ladies dressed in miniskirts thus a clothing franchisor hoping to set up in the northern part of the country must take that into consideration to avoid undue conflicts, running into loss or clash with [indigenous peoples].

The checklist … must include clothing style, food, gender differences and expectations, greetings, days observed eg Christmas and yam festival, common boundaries between states and communities leaders/ head of communities/states.

Owners of natural resources, that is exact region that own natural resources in the franchisor’s catchment/proposed area of business.

Wealth is not evenly distributed in Nigeria, politics and religion imposes a lot of limitation on wealth distribution as well in Nigeria”
Integrating Global Online Legal Education with an on-Campus Franchise Course: A Role for MOOCs
Leela Cejnar et al.

“In Nigeria ‘epa’ is groundnut in the Yoruba dialect but fool in the Urhobo dialect.”

Challenges of MOOCs
The benefits of providing legal education through online platforms, such as a MOOC are many. There are, nevertheless, challenges. MOOCs are open access courses. They have neither mandatory fee-structure, nor formalised assessment. One learner identified something unanticipated, that legal education offered free of charge might not be seen as credible, writing:

“I gained my law degree in 2007 but have used it to help citizens of the UK for free while under the auspiciousness of the Citizen’s Advice and am interested in how this course will go - the words free resources usually do not bode well with legal endeavours …”

MOOCs have the advantage of enabling asynchronous connection between the content, the students, and the teaching assistants, and authentic connection to broader outside contexts beyond the educational institution.

It is important to remember that the cost of production in terms of time, people and money in creating a MOOC is high. A high-quality offering was made possible by sizeable grants from UNSW. Teaching relief was provided for the lead academic. Consequently,

“This course is by far the best MOOCs course I have taken. The structure of the course and educators’ involvements in each discussion are incredible”.

When teaching a massive audience, educators must consider that learners’ prior knowledge will vary. In IFL, learners ranged from high school students to franchise partners of law firms. The decision to assume no prior specialist knowledge was valid. In the post-MOOC survey learners were asked “Q4 – How did the course difficulty meet with your expectations?”. Of the 25 responses, 11 replied the course was harder than anticipated, 8 that it met their expectations, 5 felt it was easier than expected and one had no prior expectations. The decision to open all six modules in their entirety from the outset enabled learners with a more advanced starting point to move ahead at a quicker pace.

As noted, IFL was presented in English. Learners in developing countries have been identified as mainly using their local language with few being competent in an international language (Adham & Lundqvist, 2015). Providing a glossary of legal terms could have helped learners. That said, the fact that IFL learners came from 165 countries indicates many can understand English and participate in discussion forums.

When asked what modes of education they had access to 85 learners indicated online free education and five could access online paid courses. This suggests that online free education can reach more learners and create equitable learning opportunities.

A significant challenge was providing reliable resources to overcome equity issues. Many academic journals are not open access. Providing access to them is costly. Publishers were approached to make seminal articles available on an open access basis but wanted to know the exact number of participants, and other details impossible to predict ex ante, before quoting an access price. This problem has previously been noted by Godwin-Jones (2014) and Ferguson, Sharples, and Beale (2015). We provided two reading lists: open access and additional resources that learners could buy or access through a university library.
The cost of journal access should make researchers think about an intended audience’s ability to access our research. If our intended audience is non-academics or people with limited funds, we should consider open access journals. Another way of reducing the cost of access is for authors post pre-publication copies onto open access platforms like SSRN.

Our efforts were rewarded with:

“I'm going to follow up with some of the additional resources. Thank you.”

“...Again, thank you for some very interesting articles. The amount and quality of some of this material is commended.”

Finally, transforming the MOOC into a revenue generating tool remains a hurdle. The IFL team has explored a range of options but none has yet stood out.

Conclusion

The COVID-19 pandemic in 2020 has brought the need for universities to address engaging online learning to the fore. MOOCs, clearly offer the opportunity to acquire, expand or develop legal knowledge and professional capacities. Resources such as recorded interviews with global franchise law experts rather than a conventional law school or a continuing professional education provider classroom, has the potential to enrich the learning process. As these experts practice in five different time zones it would have been impossible to bring each of them into the classroom in real-time.

The mere characteristic that MOOCs are “massive” and “online” implies that MOOCs have the potential to “bring organised information to very large numbers of people, and much of the literature on MOOCs perceives this development as an unalloyed benefit” (Schrag, 2014). MOOCs are said to be a part of the internationalisation of higher education since they occur in the “international context of knowledge” and are a driver of “a wider and more inclusive world”. MOOCs “draw on the wide range of individual participants – crowd learning – and they give users the opportunity to participate...at any time and from anywhere in the world” (Sharples, 2015). IFL was a perfect topic for international participation.

IFL was designed to immerse learners in a safe learning environment, enabling them to apply learning and make the experience personally meaningful and relevant to their entry level and personal motivation. It did this. This article shows how online learning can also be used to create “virtual” learning “communities”, and an enriched, parallel on-campus course. Clearly, using technology, MOOCs have the capacity to do more than just educate.

Employers too will increasingly read of MOOCs applicants have completed on LinkedIn profiles and Resumes. What weight is to be given to completion of MOOCs, versus an equivalent face-to-face course? Could students to gain admission to a law degree based on their performance MOOCS? Could they graduate with a law degree entirely comprising micro-credentialing through MOOCs cherry picked from elective courses from several universities? These questions require further research.

The experience of IFL is that content and approaches to learning that have been developed for online courses can also be used to enrich the learning experiences for face-to-face learners. Although, as discussed above, there are challenges to the use of MOOCs in the study of law future generation of learners will need to embrace online legal education. A ‘marriage’ between the global and technology aspects of MOOCs, and legal education, will no doubt form an alliance. Thus, IFL has been a successful pioneer of change in legal education.
References


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