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A white elephant or a silver bullet?

What (not) to do with online higher education

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4. Teacher experiences with online experiential legal education⁵

Abstract

To gain insight into the potential benefits and shortcomings of online experiential education, seventeen teachers were interviewed who offered online experiential legal education following the COVID-19 pandemic. Juxtaposing the online learning activities with the stages of the experiential learning cycle provided a more detailed understanding of the type of online activities that can induce meaningful learning experiences, and which online activities may be less suited to attain experiential learning. The analysis shows that teachers deemed *symbolically* oriented online learning activities to be most fortuitous, whereas *affectively* oriented online learning activities were seen as inferior to equivalent on-site activities. Teachers had more mixed feelings concerning the quality of *perceptually* and *behaviorally* oriented online learning activities. The findings are of wider relevance than the legal domain as teachers (and students) across higher education grapple with the transition to online (experiential) learning that will arguably continue well past the pandemic.

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4.1. Introduction

To cope with the complex challenges modern societies are facing, legal practitioners must not only possess sufficient legal knowledge, but are also able to collaborate with other disciplines, are sensitive to societal demands, and have a proactive attitude (Batt 2015; Cantatore et al. 2021). This new type of legal practitioner is sometimes referred to as the ‘T-shaped lawyer’ (Smathers 2014), referring to the depth of the legal knowledge and the breadth of the collaboration and academic skills that are both required to optimally function as a modern legal practitioner. In the Netherlands, the context of this study, a movement towards ‘responsive law’ proposes that the rule of law should take into account the legal system’s proportionality (Allewijn 2018; see also Nonet, Selznick, and Kegan 2017; Van Domselaar, 2017). To better prepare legal students for a role in such a system, many legal curricula nowadays contain experiential courses (Alexander 2011; Maranville 2001; Thomson 2015).

When the COVID-19 pandemic disrupted higher education around the globe, most experiential courses had to be taught online, even though these courses were not designed to take place online and teachers had little to no experience in online teaching. While this disruption challenged the quality of all higher education, it was particularly challenging for experiential education since many traditional (on-site) learning environments could not be accessed. Legal educators were thus suddenly confronted with the issue whether and how life-like learning experiences – i.e., experiences that resemble the tasks students will perform as practitioners – could be facilitated online.

This study set out to learn from the various attempts by teachers to take experiential legal education to an online context. The online transition occurred ad hoc and was not always founded on research-informed insights – often referred to as *emergency remote teaching* (Hodges et al. 2020) – but can nonetheless provide interesting insights into the possibilities of online experiential learning. It is important to learn from teachers’ experiences with online teaching for two reasons.

First, online forms of education are expected to become increasingly common as they offer students the flexibility to self-regulate their learning process (Dhawan 2020), thereby widening access to high-quality education as geographic limitations fade and making it easier to combine a job with a study (Buhl and Andreasen 2018), without necessarily compromising the quality of the learning outcomes relative to on-site education (Cook et al. 2010; Means et al. 2013; Vo, Zhu, and Diep 2017). Previous research has suggested that these benefits could apply to online *experiential* education as well (Baasanjav 2013; Beard, Wilson, and McCarter 2007; Carver et al. 2007; Merryfield 2003; Mohammadi, Grosskopf, and Killingsworth 2020). Empirical studies on online experiential education are scarce, but some have already shown positive associations between online experiential education and student satisfaction and performance (Huerta-Wong and Schoech 2010; Beckem and Watkins 2012; Lowell and Alshammari 2019; Prisco et al. 2022).

Second, online experiential education is more than a digitalized simulation of ‘real’ judicial processes; nowadays, online judicial processes *are* reality. An increasing number of judicial processes take place online (Sundquist 2020), such as online hearings (Legg 2021) and online dispute resolutions (Mania 2015). Such developments require legal students to learn how to adequately provide their services in online settings as well, which is arguably best attainable through online forms of experiential learning.

To examine how teachers attempted to attain the intended (experiential) learning goals during the online transition, interviews were conducted with teachers providing experiential legal education at the University of Amsterdam (UvA), the Amsterdam University of Applied Sciences (AUAS), and the Dutch Training and Study Centre for the Judiciary (SSR). The following research question guided this study: *how did teachers facilitate experiential legal education during the period of online teaching following the COVID-19 pandemic, and how do they reflect on the online learning experiences in light of the intended*

(experiential) learning goals?

While this study focuses on experiential *legal* education, the insights are of wider relevance than the legal domain. The type of experiential learning activities that are discussed throughout this paper (e.g., negotiation exercises, role-playing, and field trips) are commonly used across many educational domains, including business (Seno-Alday and Budde-Sung 2016), chemistry (Avila-Bront 2020), linguistics (Alexandrowicz 2021), nursing (Chan 2012), pharmacy, (Cox and Lindblad 2012), political sciences (Vermeiren, Duchatelet, and Gijbels 2022), and teacher education (Leaman and Flanagan 2013).

4.2. Theoretical framework

4.2.1. *The rise of experiential (legal) education*

Grounded in the work of John Dewey (1938), experiential learning in its basic definition refers to ‘learning through (reflecting on) experiences’, and has been advocated to reduce the gap between what is taught in school and what practitioners are expected to do (Bialystok 2017; Thomson 2015). The underlying ideas of experiential learning are not new, but it is still maturing into a distinct learning theory branch, receiving attention mainly in research on medical education (Aukes et al. 2008; Ferro Allodola 2014; Sebaaly et al. 2020), teacher education (Glazier and Bean 2019; Bolick, Glazier, and Stutts 2020), business education (Paul and Mukhopadhyay 2005; Obi, Eze, and Chibuzo 2022), and is also increasingly used in research on legal education (Babacan and Babacan 2017; Giddings and Weinberg 2020; Thomson 2015). Moving curricula from only inculcating technical skills and transmitting abstract knowledge to a more all-round ‘authentic’ experience is assumed to promote a deep sense of learning (Aukes et al. 2008), foster students’ reflective practices (Kreber 2001; Williams and Sembiante 2022) and in general better prepare students to become professionals (Batt 2015; Cantatore et al. 2021; Maranville 2001; Douglas-Lenders, Holland, and Allen 2017).

Proponents of experiential legal education argue that legal students should learn both how to *think* like legal practitioners by analyzing the intricacies of specific legal cases – i.e., Langdell’s case method (Weaver 1991) – and how to *act* like legal practitioners (Drake 2016) by acquiring practical skills (e.g., collaboration and communication skills) and establishing a professional identity (Katz 2013). The rising interest in experiential legal education has not been without consequences, for in 2015 the American Bar Association officially mandated that all legal students have to obtain six or more credit hours in experiential education (cf. Standard 303 and 304). Similar movements can be found in, among others, Australia (Giddings and Weinberg 2020), Canada (Sossin 2014), and the Netherlands (Mak 2017). In the Netherlands, for example, recent legal scandals forced institutions to rethink their educational practices in order to furnish legal students who are able to ‘endure ambivalence regarding the moral merits of the legal order they will likely be part of, (...) [and whom should not have] an exclusively cheerful and (self)complacent story about the law, legal practice, and the role of legal professionals therein’ (Van Domselaar 2021, 11).

4.2.2. *Online experiential (legal) education*

Following the trend towards more frequent use of (online) digital tools in classrooms, it was not long before researchers would point out the potential benefits of these tools for experiential learning (Carver et al. 2007; Strait and Sauer 2004; Beckem and Watkins 2012). Online experiential education was presented as a way to provide more people with access to high-quality education (Beard, Wilson, and McCarter 2007; Merryfield 2003; Schepard 2022) and to offer more flexibility for students to control

their learning process (Baasanjav 2013; Kartoglu, Vesper, and Reeves 2017). It could thus also contribute to goals like lifelong learning by allowing the workforce to follow contextualized trainings at their own convenience (Mohammadi, Grosskopf, and Killingsworth 2020). By contrast, the absence of on-site activities could negatively influence students' perceptions of the authenticity and usefulness of the online learning activities and effective online learning communities are difficult to create (Baasanjav 2013; Goldie, Ironside, and Pirie 2023).

An opportunity arose to empirically examine the aforementioned claims when COVID-19 restrictions forced institutions across the globe to transition their experiential courses to online settings (see also Van den Beemt et al. 2022; Gallegos et al. 2022). Online (experiential) education inherently yields different experiences than on-site (experiential) education (Beckem and Watkins 2012; Gasson and Waters 2018) and the physical context is generally difficult to mimic in online settings (Cheng et al. 2020; Christian, McCarty, and Brown 2021). Notwithstanding these issues, online experiential education is expected to stay (Gladwin-Geoghegan and Thompson 2021; Markel and Guo 2020; McFaul et al. 2020; Sundquist 2020), and students should thus be provided with evidence-informed online learning activities that promote experiential learning. Even though most teachers were inexperienced with online education and its corresponding technological necessities (Ferdig et al. 2020; Meyer 2020), examining their experiences can provide more insight into the benefits (and shortcomings) of online experiential education.

4.2.3. *The theory of (online) experiential learning*

There have been numerous attempts to operationalize Dewey's ideas concerning the connection between experiencing and learning into a formal learning theory, of which Kolb's *experiential learning theory* (ELT; Kolb 2015) has become widespread (Morris 2020). According to ELT, learning occurs through a cyclic process of thinking, acting, experiencing, and reflecting, which can be linked to corresponding professional skills (Sims 1983). An iteration of the learning cycle roughly follows this pattern: Students *concretely experience* something, then *reflect* on this experience to generate *abstract knowledge*, which they test in practice by *actively experimenting*, which leads to concrete experiences, and so forth. This is a continuous process and thus has no clear beginning or end, and is often depicted as a spiral rather than a cycle, to emphasize the accumulating character of learning (Kolb 2015).

There is some controversy as to which type of learning activities elicit 'real' experiences and can result in experiential learning. For example, some might consider attending a traditional (guest) lecture an experiential learning activity, whereas others might not (Blenkinsop et al. 2016). What is important here – other than illustrating the ambiguity of ELT terminology (Morris 2020) – is that experiential learning occurs through an amalgamation of learning experiences through various learning activities. As such, attending lectures in and of itself does not lead to experiential learning; rather, it becomes part of an experiential learning cycle if students use the acquired knowledge as input for subsequent activities. For example, field experts can provide (abstract) real-life examples to students through guest lectures, which students can use to contextualize future learning experiences.

Furthermore, all learning activities are oriented toward any of four stages (Kolb 2015; Fry and Kolb 1979), which, in ELT terminology, means activities can be oriented *symbolically* (thinking), *behaviorally* (acting), *affectively* (experiencing), and *perceptually* (reflecting). These orientations are not mutually exclusive and learning activities are oriented towards the four stages to differing degrees. For example, a lecture may have a symbolic orientation because it focuses on knowledge-transfer, yet will often also have a perceptual orientation as students have to reflect on the presented information.

Table 4.1 provides an overview of the four stages of experiential learning, what the main learning route

is, and gives some typical examples of learning activities in legal curricula with a higher orientation to said stage. Note that there is an overlap between the stages and activities may be oriented towards multiple goals. The examples are thus indicative and should not be taken as absolute. The four orientations were primarily used as an analytical framework to identify at which stage(s) of the experiential cycle teachers were best able to attain the (experiential) learning goals – i.e., through which learning activities – and where teachers struggled. In this study, the categorization is applied to specific learning activities rather than entire learning environments or spaces.

TABLE 4.1

Overview of the stages of experiential learning and how these relate to learning activities

Orientation	Learning via	Attained through ¹	Example activity ²
Symbolic	Abstract conceptualization	Activities that are oriented towards knowledge-accumulation and memorizing theories and terms	(Guest) lectures, reading papers
Behavioral	Active experimentation	Activities that are oriented towards applying knowledge and skills to solve veracious problems like a practitioner	Clinics, consultancy
Affective	Concrete experience	Activities that are oriented towards building up affection towards the profession and establishing professional values	Field trips, moot courts, role-playing
Perceptual	Reflective orientation	Activities that are oriented towards understanding relationships between seminal concepts and trying new ways of thinking	Discussions, logs, brainstorming

¹ Based on Fry and Kolb (1979) and Kolb (2015)

² See Svinicki and Dixon (1987) for more (non-legal) examples

Symbolically oriented learning activities emphasize knowledge accumulation and mastering technical skills. Clear criteria define whether assignments were completed correctly and students are expected to memorize facts, reiterate professional standards, and use the appropriate jargon. Teachers are sources of knowledge who mainly act as instructors. An example of a symbolic learning activity is a guest lecture from a field expert, who provides students with second-hand experiences.

Behaviorally oriented learning activities emphasize applying knowledge to real-life, practical issues that resemble the complex situations students will encounter as practitioners. There are multiple solutions to complete the assignments and students are granted a high level of autonomy to actively experiment and put their knowledge to the test. Teachers serve as coaches whom students can consult, but mostly offer minimal guidance and leave students themselves responsible for the end product. Some periodic reporting to the teacher may be required, but most of students' time is theirs to manage. An example of a behavioral learning activity is writing an advisory report for a legal clinic, where students are consulted by real clients.

Affectively oriented learning activities emphasize promoting students' affection towards the profession and establishing personal professional values through concrete experiences. Such experiences are valued for their intrinsic value, and each experience bears a different meaning per student. Teachers generally take on a more collegial, advisory role and provide personalized feedback. An example of an affective learning activity is a courthouse field trip, intended for students to experience how it feels to be physically present in a courthouse and how it affects them.

Perceptually oriented learning activities emphasize understanding concepts and identifying cause-and-effect relationships. Students have to be able to view topics from multiple perspectives, explain phenomena, and unravel why historic trends occurred. Students are required to formulate hypotheses, collect relevant information, and make substantiated inferences. The thought process is more important than whether students come up with ‘correct’ answers. Teachers are facilitators and guide students. An example of a perceptual learning activity is a discussion about the Brexit deal where students experience interacting with different parties and learn to cope with conflicting interests.

4.3. Method

Interviews were held with teachers providing experiential legal education to examine 1) which learning activities they implemented to facilitate experiential learning in online settings, and 2) how they reflect on the online learning experiences in light of the intended (experiential) learning goals. This study received ethical approval from the Ethics Review Board of the Faculty of Social and Behavioural Sciences (no. 2020-CDE-12655).

4.3.1. Research context

Interviews were held with teachers from the partners of a research consortium that aimed to gain more insights into the effects of experiential legal education and how experiential learning contributes to legal students’ professional development.

The first partner was the Faculty of Law of the University of Amsterdam (UvA), a research-oriented university. In 2018, two years prior to the online transition, the Faculty of Law at the UvA implemented experiential education through *Amsterdam Law Practice* (ALP), a program for legal master (‘graduate’) students that at the time of the data collection comprised around thirty experiential courses. Students were required to complete at least one six-credit experiential course.

The second partner was the Faculty of Applied Sciences and Law (FASSL) of the Amsterdam University of Applied Sciences (AUAS), a type of university (‘hogeschool’ in Dutch) that by its very nature facilitates practical learning experiences. Legal education at the AUAS is taught at the bachelor (‘undergraduate’) level.

The third partner was the Training and Study Centre for the Judiciary (SSR in Dutch), which offers postgraduate training to legal practitioners of the Dutch judicial system and the Public Prosecution Service. Trainings at the SSR are tailored directly to the needs of trainees through a personalized set of learning activities, rather than being structured like traditional course-driven higher education curricula. The SSR has an educational track for judges and one for public prosecutors.

UvA and AUAS courses were selected to ensure diversity in study year, language, track, and type of learning activities. Only experiential courses were selected with learning activities that took place in a school-setting, thereby excluding externships as these are generally not explicitly structured in terms of clearly defined learning activities and learning goals. For SSR, this study was limited to the school-based part of their programs. See Table 4.2 for a sample description.

TABLE 4.2*Overview of the included experiential education settings*

Institution	Main learning activity	No. students	Description
UvA-1	Moot court	60	Students work on a simulated international criminal case and represent either the prosecutor or the defense.
UvA-2	Negotiation	60	Students are required to settle an international dispute in the EU context through negotiation
UvA-3	Negotiation	100	Students are presented with a legislative proposal in the EU, which has to be negotiated into a concrete settlement through representing several stakeholders
UvA-4	Simulation	140	Students create a fictitious enterprise, assess its financial position, and discuss its bankruptcy and all the implications following the company's downfall
UvA-5	Moot court	80	Students simulate an actual criminal case and represent either the public prosecutor or the defendant's attorney
AUAS-1	Moot court	36	Students walk through three legal counselling cases, where each case students take on a different role
AUAS-2	Clinic	30	Students work on an actual legal issue that is presented to them by a real company
AUAS-3	Simulation	30	Students fictitiously work as paralegals and are consulted on various legal corporate law issues
AUAS-4	Simulation	30	Students are required to draw up contracts between corporate companies
SSR-1	Various	12	Judges receive a personalized training trajectory based on their experience and learning goals
SSR-2	Various	30	Public prosecutors receive a personalized training trajectory based on their experience and learning goals

Note. UvA = University of Amsterdam; AUAS = Amsterdam University of Applied Sciences; SSR = Training and Study Centre for the Judiciary

4.3.2. Data collection

Data were collected from November 2020 until May 2021. During this period, most higher education courses in The Netherlands took place in an online context due to COVID-19 restrictions. Seventeen legal educators were interviewed in thirteen interviews. Five interviews were conducted at the UvA, six interviews (of which two were duo interviews) were conducted at the AUAS, and two duo interviews were conducted at the SSR. All interviews were conducted via videoconferencing software, held in Dutch or English, and took 45 to 60 minutes.

Using a semi-structured interview guide (Appendix 4A), teachers were asked to describe the design of the learning activities, the aim(s) of the experiential component(s), how the online transition affected the structure and goals of the activities, to what degree students managed to attain the intended learning goals through the online activities, what teachers in hindsight would have done differently, and which online teaching strategies they intend to keep using.

TABLE 4.3
Final codebook resulting from the open coding phase

Code	Description	Example
A. General course characteristics		
A1. Type of experiential education	Kind of experiential education offered	Reenact an international tribunal
A2. Period	Period the course was offered	The course started in September and ran over two blocks
A3. Number of students	Number of students	60 students were enrolled
A4. Course description	Overall description of the course	The course focuses on providing knowledge about basic doctrines and rules in EU law and providing some inside into basic rules when it comes to substantive areas, such as citizenship, internal market rules
B. Course design		
B1. Learning goals	The course's learning goal(s)	The solution-oriented approach is important, and conversational skills play an important role in this course
B2. Course structure	The structure of the course	Students go through the entire cycle from creating to signing [legal contracts].
B3. Online vs. face-to-face	Comments on the difference between online and face-to-face education	I think that when students are in a group or when they're in person, they just, it's an energy thing, it's an impersonating thing. They just want to make a point. And I think that here it didn't work quite as well. Not that they were not making arguments, it's just that it felt very different.
C. Learning activities		
C1. Activity type	General description of (learning) activities	The final assignment was a negotiation assignment. We then negotiated digitally, two versus two.
C2. Technology	Description of the technology/tools that were used	The dynamics of [online] oral presentations are quite different because you have to unmute yourself and, yeah, it is a different environment
C3. Non-curricular activities	Non-curricular activities that affected the learning process	Part of the students decided to chat [about non-course related things]. At least they connect with each other, which is important as well. As long as they submit something that shows they understand the material.
D. Assessment		
D1. Type of assessment	Kind of assessment(s)	There were a number of things we could not assess, so instead we assessed their online meeting skills, whether they are able to chair an online meeting, how well they prepare etc.
D2. Way of assessment	Way of assessing	

D3. Learning outcomes	Reported learning outcomes
E. Teacher role(s)	
E1. Teacher role: instructor	Teacher acting as instructor I have to instruct students not to make the case too clear-cut, because they have to reenact the case later on.
E2. Teacher role: supervisor	Teacher acting as supervisor [Contrary to the first year] they have to take responsibility and themselves request a conversation with me if something goes wrong. They find that difficult.
E3. Teacher role: nurturer	Teacher acting as nurturer I already knew most of the students. (...) You interact more easily. You know their background. You know what level they're at.
E4. Personal comments	Personal (non-course related) circumstances that affected the process
F. Support	
F1. Institutional support	Experiences with institutional support The faculty assigned two student assistants. As extra support for online education.
F2. Collegial support	Experiences with collegial support They helped us to see whether everything worked out. Although I have to see we were one of the first, so it was mainly other colleagues who then asked us questions.
F3. External circumstances	Non-course related influential circumstances Each week some students were absent due to quarantine or domestic issues
G. Other	Things that affected the learning process but are not related to online education Giving constructive feedback is something that we learn, not something that we know how to do before coming to law school.
H. Future	Things related to online education that teachers intend to keep Pure knowledge-transmission, that can of course be done online. Just record a webinar. And then organize an on-site meeting where we discuss the cases.

4.3.3. Data analysis

All interviews were audio-recorded, transcribed verbatim, and analyzed using the constant comparative method (Boeije 2002). First, a round of open coding (Table 4.3) helped to identify which online learning activities were implemented, and how. Axial coding was then used to identify recurring patterns that could be linked to the four ‘orientations’ of learning activities. Next, narratives were written per orientation, which were then subsequently compared to ascertain which themes were specific to certain orientations – rather than being general themes that apply to all online (experiential) learning activities. When in doubt, codes and themes were discussed among all authors and multiple meetings were held to ensure consensus about the interpretation of the codes (cf. *negotiated validity*; Belgrave and Smith 1995). Throughout the process, an audit trail (Bowen 2009) promoted scientific rigor.

4.4. Results

The result section aligns with the four ‘orientations’ of learning activities. For each orientation, themes were identified concerning how teachers experienced organizing the online learning activities, and how teachers reflected on the online learning experiences in light of the intended (experiential) learning goals. Dutch quotations were translated to English by the first author.

4.4.1. Symbolically oriented learning activities

Teachers indicated that learning activities with a high symbolic orientation were the most straightforward to organize online, and teachers evaluated the goals of such activities to be attained most successfully. Two themes were identified that emerged most prominently when discussing symbolic learning activities: online knowledge transmission and practicing a technical skill.

Teachers indicated that online knowledge transfer could be facilitated fairly effectively through videoconferencing software (i.e., synchronous communication) or by providing pre-recorded lectures and knowledge clips (i.e., asynchronous communication). Teachers who provided knowledge clips often asked students to view these before class, thereby saving time for in-depth discussions during the live sessions. Most teachers were positive about this structure and expressed their intention to keep this so-called ‘flipped classroom’ model in the future:

Pure knowledge-transmission, that can of course be done online. Just record a webinar. And then organize an on-site meeting where we discuss the cases. Use on-site meetings for true discussions, so to speak. (SSR-2)

Teachers were also generally positive about online guest lectures, which were described as easier to organize as field experts did not have to be present on-site:

Because it was online we did a lot with guest lectures. We let a judge tell about what he does when he is writing a verdict, a lawyer told about what she pays attention to when writing an indictment, and a public prosecutor showed what to focus on when working on a case. (...) [That way] students get an explanation from practitioners of what happens in practice. (AUAS-1)

Further, teachers noted that mastering basic technical skills often worked quite well in online settings, as best illustrated by a course (AUAS-4) where students had to draw up legal contracts. According to the teacher, drawing up contracts is an elementary skill that is comparatively easy to master, referring to it as

a sort of 'trick'. Since all legal contracts have to adhere to similar standards and clear criteria determine whether contracts suffice, the teacher mainly had to act as an instructor, and help students improve their contract by, for example, providing model answers. The teacher thus found this course easier to teach online than other courses that included more complex learning activities. The teacher did note that there were fewer opportunities for spontaneous online discussions, making the course somewhat less enjoyable, but students' end products were of similar quality as in the years before the online transition.

4.4.2. Behaviorally oriented learning activities

Behaviorally oriented learning activities emphasize applying knowledge and using skills to solve the kind of problems practitioners face. Such problems are usually complex and require students to try different approaches until finding a solution they approve of. Two themes were identified that emerged most prominently when discussing behavioral learning activities: how and when to offer remote support, and how to facilitate online collaboration.

Although teachers found it difficult to inspire and support students in all online learning activities, the theme of offering remote support emerged most prominently when discussing behaviorally oriented activities. In such activities, many students need a lot of guidance due to the complexity of the assignments. Yet, as these assignments are precisely intended for students to learn to autonomously deal with complex issues, teachers faced the dilemma of how much supervision to offer versus letting students fend for themselves:

We had two feedback moments and sessions with instructions. At a certain point you see some points return, [yet] you can wonder whether students would have come up with that themselves. We have now structured it to the extent to which it is more difficult to differentiate between students, in terms of grading. Perhaps next year we need to allow for a bit less structure and a bit more room for students' creativity. (UvA-1)

In online settings, this struggle was exacerbated because there was less room for the type of 'on-the-go supervision' (AUAS-4) that organically emerges before, during, or after on-site sessions. In on-site settings, teachers and students oftentimes bump into each other, allowing for teachers to give, and for students to receive, (informal) support. In online settings, however, such opportunities arise less frequently, thus increasing the threshold for teachers and students to give or receive support:

[Usually] you see each other at the coffee machine, in the hallway, or they walk into your office. They don't have that now. (...) You are not approachable, or less approachable. The threshold is higher because they have to e-mail or call you. (AUAS-8)

Teachers found it difficult to monitor students online and see which students demanded their attention: 'that is what I find difficult in online teaching, you do not know the impact of what you are doing' (UvA-5). Students often had their camera off and many did not respond to teachers' prompts. Not knowing what students were up to made teachers feel they could not provide the optimal support:

You are explaining something or you are asking a question, that is to check whether they are following along. Do they have their mind on other things? (...) So sometimes you ask a question and in a classroom I can look students in the eye to ask why they are struggling. (...) Online I cannot do that [because I do not know what they are doing]. (AUAS-1)

To mitigate the issue of complicated monitoring, teachers tried various monitoring strategies (e.g., online meetings in breakout rooms, additional consultation meetings, more submission deadlines to keep students on track), but were mixed as to whether these were advantageous. For example, some teachers felt that breakout rooms were similar to walking around in actual classrooms, whereas others felt it made monitoring more difficult because they could not keep an eye on all students simultaneously.

A second theme pertained to online collaboration. Student collaboration is an important part of many behaviorally oriented learning activities, where students often jointly work on a project assignment. Teachers were mixed concerning whether students benefited from collaborating online. Some felt that collaborating online was inefficient because students were less prone to have spontaneous meetings before or after class. Others felt collaborating online worked better because more students showed up. Interestingly, one SSR teacher initially let students work alone or in duos, but later increased the group size, which elicited more fortuitous online interactions. As an important side effect, teachers unanimously suggested that online collaboration generally promoted the sense of community amongst students. Moreover, teachers indicated that students must learn to collaborate in online settings anyhow: “Online [collaboration] will become a part of what they will be doing in practice and should therefore also be part of our education” (AUAS-1).

4.4.3. *Affectively oriented learning activities*

Affectively oriented learning activities emphasize concrete experiences and the way those experiences shape students’ affection towards their (future) profession. Two themes were identified that emerged most prominently when discussing affective learning activities: mimicking how it feels to act as a legal practitioner in an online setting, and building a connection with clients.

The first theme pertains to facilitating learning activities intended for students to concretely experience what it is like to act as a practitioner. Most field trips were canceled and teachers struggled to facilitate online learning experiences that resemble what practitioners do. For example, the SSR program for judges used to contain a roleplaying exercise in a physical court room that was intended for students to ‘feel’ what it is like to be in a court room:

It is meant to get the feeling of ‘I am now wearing the toga and I am now sitting in the court room where previous trainees sat before me’, only now they are sitting there. What kind of feeling does that give [the trainee]? And we try to fully reenact with the bailiff entering, (...) what do you do? (SSR-2)

Teachers found it difficult to evoke a similar authentic court room experience in an online environment as the spatial arrangement of a courtroom is difficult to mimic online, and students were often located in spaces that, for example, also served as their bedroom. Moreover, on-site simulations were said to better enable students to feel the energy of the room and to experience the rush of making an argument when all eyes are on you. When pleading online, interruptions occurred less naturally, part of the non-verbal communication was lost, and the overall atmosphere was different:

You are less able to see things [in an online moot court]. (...) [In an on-site moot court] you get a better feeling, which makes assessing easier, and I got the impressions that feedback was better received. Yes, you just have a better atmosphere in general. It just does. (UvA-5)

Teachers noticed that the manners in online settings were different compared to on-site settings. For example, students could read out a text off of their screen rather than having to memorize their text, or pleaded whilst staying seated, which in on-site settings would have been unimaginable. Such issues

illustrate how teachers needed to do more than simply transferring existing learning activities to online settings; they also had to deal with issues that were specific to online teaching and they were not trained to deal with prior to the pandemic.

Consequently, teachers felt students were less able to fully impersonate their role, which diminished the richness of the learning experiences and strongly hampered students to first-handedly experience how it feels to act as a practitioner. In a few courses, students therefore tried to evoke a more life-like experience by dressing up. Teachers indicated that students did not do this in previous years, or not to this extent, suggesting that dressing up was specifically done ‘to compensate for the often flat dimension of [videoconferencing software]’ (UvA-3). One dissenting, more positive evaluation came from a teacher who indicated that students were able to experience how an online negotiation process can physically exhaust them in a similar way as an on-site session would:

Students have to be exhausted; it is a true marathon. At the end students will settle just to get it over with, because they are tired and fed up. That is also part of it, they know that upfront. There is little room for toilet breaks. (...) They are long sessions of four and a half hours, which are very intensive. (UvA-4)

The second theme pertains to establishing genuine connections with clients. For a legal clinic (AUAS-2), the point was raised that students were unable to visit the client’s office and thus missed out on an opportunity to witness a legal company at first hand. According to the teacher, these students were also less committed to the client because of the greater (physical) distance. The online clinic only scantily promoted students’ affection towards the profession because students did not get as close to the legal practice as in previous years when the clinic was not online:

Students did make an assignment for an organization with a real-life issue, so in that sense I do not believe that it was worthless. (...) But I do have the feeling that if it had been on location and that they would have visited the client’s office, had met them in-person, it would have made the experience more rich, and they would have been more motivated to work on the assignment. (AUAS-2)

Multiple teachers from other courses made similar comments, arguing that the online learning activities were less suited to instigate and invigorate students’ legal passions.

4.4.4. *Perceptually oriented learning activities*

Perceptually oriented learning activities emphasize a thorough understanding of seminal concepts and practices that are central to the professional field. Two themes were identified that emerged most prominently when discussing perceptual learning activities: how to facilitate meaningful online group discussions, and a lack of deep reflection.

The first theme pertains to how difficult it was to stimulate rich online discussions. Students often had their cameras off during meetings and not seeing each other detracted from the quality of the discussions. Teachers frequently prompted students to participate, but only a handful of students would respond. When interacting online, students were considered to be more passive and less involved in discussions, which was most problematic for courses that were taken by students whom had never met each other in-person: ‘If you have never seen each other, it is very difficult to find each other online and do something with six people whom you have never seen [in-person]’ (AUAS-1). Teachers who taught groups of students who already got acquainted before the online transition made notably less remarks on this topic. Related to this observation, multiple teachers found an online introduction to be a suboptimal substitute to get to know each other: ‘[if you do the introduction online] they are already

tired of videoconferencing before getting to the material' (SSR-2). Notwithstanding these issues, some interesting attempts were mentioned for students to get acquainted in an online setting, such as:

We used to ask people to bring in an object, which we cannot do now. But then we asked them to make videos. Some people will still read out their cv, but you also see videos where they show their house, their dog, their kids, this is what I like, whatever. Some trainees are really creative. This could be a viable alternative. (SSR-2)

The second theme pertains to the dearth of reflection exercises. Reflection is an important aspect of experiential learning, yet few courses required students to systematically reflect on their experiences, or only did a generic group reflection:

Last week we had a reflection with all students, we did that in groups. (...) But that is difficult, because what if you are in a group that did not operate so smoothly, and you are sitting there with the other four or five students? (...) It would have been better to do the conversations individually. But then we are talking about sixty times fifteen minutes, or even longer, perhaps half an hour. (UvA-1)

Although struggling to create meaningful reflection exercises was not only related to the online transition, teachers found it more difficult to facilitate meaningful reflection in online settings due to the limited opportunities for rich discussions and students being less prone to actively participate in online sessions. Several teachers also indicated that they were not adequately trained to teach students how to effectively reflect on their actions such that it leads to experiential learning:

They started to give answers, not referring to cooperation between them, but how they felt that a supervisor was late in giving feedback and things like that. So that could have been organized better. (...) I thought that the questions were really good, like really made them think about what they did. But it was true that they answered only about the obstacles that they faced, but not about kind of the constructive, you know, part. (UvA-3)

4.5. Conclusion and discussion

In this study we examined how teachers in legal education facilitated experiential learning during the period of online teaching following the COVID-19 pandemic, and how they reflected on the online learning experiences in light of the intended (experiential) learning goals. Relating the online learning activities to the four stages of experiential learning (Fry and Kolb 1979; Kolb 2015) helped to get a more detailed understanding of the type of online activities that can induce meaningful learning experiences and which may be less suited to attain experiential learning.

The analysis suggests that teachers found symbolically oriented learning activities (aimed at knowledge accumulation and skill mastering) the easiest to organize because teachers only had to act as instructors and interaction was relatively limited. Moreover, such activities have long been habitual across higher education, making them relatively easy for teachers to organize them. The main goals of symbolic activities were attained with comparable quality in online settings as in the on-site settings the years before.

By contrast, affectively oriented activities (aimed at promoting students' affection towards the profession) were deemed most difficult to organize. Fidelity to reality is an important aspect of these activities but teachers struggled to facilitate life-like online learning experiences. Online activities that aimed to promote students' affection towards the legal profession were considered to be less authentic

and less rich compared to equivalent on-site activities.

Regarding behaviorally oriented activities (aimed at applying knowledge to practical problems), teachers mostly struggled to provide adequate support. Supporting students is particularly important during behavioral activities because these can overload students due to the complexity of the assignments (Sims 1983). Teachers therefore need to monitor students' progress and adjust their support accordingly (Abrandt Dahlgren, Fenwick, and Hopwood 2016). Most teachers, however, found it difficult to remotely identify *when* students needed support, either because they did not know how to, or lacked the resources to do so. Consequently, the degree of experiential learning would strongly depend on students' own level of autonomy.

Mixed evaluations were given regarding perceptually oriented activities (aimed at understanding concepts and identifying cause-and-effect relationships). The end products suggest that students had a comparable understanding of the material as in previous years, yet teachers indicated to find it difficult to facilitate rich online discussions that promote deep learning. Especially online reflection exercises were scarce, partly because some teachers did not feel equipped to design such exercises.

Overall, our study suggests that teachers have been rather successful at organizing knowledge transfer through symbolic activities, had mixed feelings concerning the behavioral and perceptual activities, and struggled to facilitate meaningful affective activities. Put differently, it could be argued that the most successful activities were those that required passive presence from students (e.g., lectures) and particularly troublesome were attempts to mimic the 'corporeal' component of experiential learning (e.g., role-plays). Regarding the latter, Tomkins and Ulus (2016) found that students mostly referred to their body to describe their experiences with experiential learning (e.g., feeling anxious or having to lose the proverbial cloak to get into a role-play). According to the teachers in our study, students seemed to make similar remarks with respect to how *online* experiential learning 'felt' less authentic. Notwithstanding these issues, technology (e.g., virtual reality) is rapidly improving and may abate such feelings in the future (Alrehaili and al Osman 2022; Cho et al. 2021). In addition, as the number of online professional processes increases, online learning activities will have a higher fidelity to reality as well and this study's insights may help to design online learning activities that train students to be able to effectively fulfill their role in online settings too.

Another important insight of this study concerns a teacher's role in online experiential education. Students sometimes falsely view experiential education as a 'laissez-faire' way of teaching, yet effective experiential learning warrants teachers who constantly switch between instructing, mentoring, advisory, and supervisory roles (Tomkins and Ulus 2016). Our results indicate that in online settings teachers felt they best succeeded in fulfilling their role as instructor (as is most common during symbolic learning activities; Fry & Kolb, 1979) in an online setting, but had more doubts and concerns fulfilling a role as mentor (as is most common in behavioral learning activities), advisor (as is most common in affective learning activities), or supervisor (as is most common during perceptual learning activities). Previous research has shown that teachers can only effectively facilitate experiential learning if they are adequately trained and feel equipped to design an effective set of learning activities that lead to experiential learning (Rhim and Han 2020; Girvan, Conneely, and Tangney 2016). To do so in an online setting, teachers need a toolkit with strategies that are specific to online (experiential) teaching (cf. Philipsen et al. 2019).

Lastly, reflection is central to experiential learning (Jordi 2011; Kolb 2015). To reiterate Dewey's seminal aphorism: experiential learning does not occur solely by experiencing, it occurs through reflecting on these experiences. Teachers have to learn students how to transform learning experiences into sustainable knowledge through reflection (Billett 2014), yet reflection was only tangentially mentioned in the interviews and few teachers organized systematic reflections with students. Teachers

had struggled to attain a deep level of student reflection prior to the online transition, but this struggle was exacerbated in online settings as teachers had difficulties stimulating the type of online interaction that effective reflection exercises necessitate.

To conclude, online experiential legal education is expected to stay (Gladwin-Geoghegan and Thompson 2021; Markel and Guo 2020; McFaul et al. 2020; Sundquist 2020) and it is important to build on the strengths of online experiential learning to provide students with evidence-informed online experiential education. Importantly, since our analysis shed light on several shortcomings in how teachers designed courses for online experiential education, an easy resort to online delivery would equally risk losing the benefits of on-site experiential learning. A hybrid model of on-site and online activities may thus prove to be more advantageous than a fully on-site or all-online model. What the most effective mix is will differ per context, depending on the learning goals, student population, and course characteristics, and this study offers some guidelines concerning the pros and cons of online learning activities. Only when online and on-site learning activities are viewed as complementary ways of learning can online experiential learning effectively contribute to the kick-off of students' professional career.

4.5.1. Limitations and recommendations

This study was conducted during the transition to online education following the COVID-19 pandemic and some caution is necessary when formulating the implications of this study. First, the described learning activities were transitioned into online activities in a short period and should thus not be taken as the optimal ways to facilitate online experiential learning, but rather ought to be viewed as illustrations of what teachers were able to achieve with minimal experience (and can be improved based on the lessons learned). Further research is needed to determine whether the findings of this study are inherent characteristics of online experiential education or apply to emergency remote teaching only.

Second, how teachers perceived the online learning experiences may not always correspond with the perspectives of students, nor were teachers' perspectives triangulated with more objective measures. Future research could assess how online experiential education is experienced by students and how it relates to specific learning outcomes like students' performance and professional identity development.

Third, more research is needed to determine to what extent the results transcend the legal domain. While the focus is on this one particular field, the findings are likely of wider relevance across the tertiary sector because the type of experiential activities discussed are also commonly used in other domains; e.g., negotiation exercises are common in political sciences curricula (Vermeiren, Duchatelet, and Gijbels 2022), business education curricula often also contain consultancy projects (Seno-Alday and Budde-Sung 2016), and role-playing exercises play an important role in nursing education (Chan 2012) and teacher education (Leaman and Flanagan 2013) as well.

Fourth, more research is needed concerning the professional skills that are needed to adequately function in online settings. Curricula can only be reformed once it becomes clear what students ought to learn to be optimally prepared for a profession that will partially take place online.

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