Leveraging Open Educational Resources & Affordable Course Materials in Legal Education

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Academic law librarians drive change that reduces costs and benefits law students.

In an opinion piece for the *New York Times*, Columbia Law School Professor Tim Wu lamented “the outlandish prices of the books we assign.” He questioned whether the rising costs of college textbooks is worth the cost to students. (Read the article at bit.ly/MJ20NYTwu.) Professor Wu noted that there are high-quality options for assigning reading—options without the cost (over $200) of the typical law school casebook with supplement. OpenStax, a major force in open educational undergraduate college textbooks, estimates that in 2019, 3 million students were using its texts, for a
There is an answer: integration of open educational resources and affordable course materials in the law school course curriculum. Academic law librarians can help drive this change by boosting outreach efforts, challenging the reliance on expensive materials, and partnering with innovative faculty to adopt affordable course materials.

Institutional Incentives
Law librarians are supported in this effort by increased institutional and government programs that reward migration to affordable materials. Institutional grant programs such as the Boston College Affordable Course Materials Grant reward faculty adoption of affordable course materials. Offered university-wide, this grant program supports full-time staff members who revise their curriculum to include high-quality, affordable course materials, publicly accessible materials, subscribed resources from Boston College Libraries, use of the Canvas course management system or library course reserves to replace a course pack, or any combination of these four options. Public institutions can leverage government initiatives, such as Florida’s Affordability Counts Initiative. Under Florida Statute section 1004.085, all Florida colleges and universities are called to utilize “innovative pricing techniques” to fulfill the promise of lowering the cost of education through affordable instructional materials. The goal of Affordability Counts is to encourage and reward faculty who assign less than $60 worth of materials. Other states offer similar initiatives, such as the Affordable Learning Ohio Initiative and Kansas State University’s Open/Alternative Textbook Initiative. Additionally, there is pending legislation in Congress (H. R. 2107) to promote affordable college textbooks.

Building Bridges
Law librarians, with their in-depth knowledge of their collections and their faculty liaison roles, are in a unique position to promote faculty adoption of affordable course materials. There is a diverse body of available resources to substitute assigned materials in law school courses. These affordable course materials range from open educational resources such as CALI e-Langdell Press titles, to law library-licensed content in the form of e-books, articles, and practice resources, to faculty-created materials.

Content resources include:
- Institutional Repositories
- Law library research guides focusing on a particular subject/course area
- International tax research, bit.ly/MJ20Tax
- Licensed Content
- Open Education Resources (OER)

The true value of these resources is the law library’s outreach efforts and synthesis of these materials into course materials. Faculty can easily provide affordability benefits by collaborating with law librarians to identify and leverage affordable course materials.

Licensed Content
Law libraries’ licensed content provides a wealth of materials for supplementing or replacing traditional course materials with affordable options. Titles from Cheetah, Lexis Digital Library, Thomson Reuters ProView, West Academic Study Aids, and

savings of $233 million. (Read more at bit.ly/MJ20OpenStax.)

Law students today carry large amounts of student debt. Law school course materials, particularly casebooks, represent an increased financial strain for law students. So how can law faculty and law students tap into the benefit of the open educational resources movement?
CURATED CONTENT & AFFORDABILITY RESOURCES

Open Course Content
- Brian J.M. Quinn, BC Law, An Introduction to the Law of Corporations: Cases and Materials
  bit.ly/MJ20quinn
- Casandra Laskowski, FIU Law Practice Technology Class Blog
  bit.ly/MJ20laskowski
- Howard Wasserman, FIU Civil Procedure Blog
  bit.ly/MJ20wasserman
- Manuel A. Gomez, FIU Introduction to International and Comparative Law H2O Classroom and Course Materials
  bit.ly/MJ20gomez

Affordability Resources and Links
- Affordability Counts Initiative: Florida State Colleges and Universities
  bit.ly/MJ20affordability
- Affordability Counts Presentation by FIU Online
  bit.ly/MJ20FIUonline
- Boston College Law Library: Research Guide on Law School Affordable Course Materials
  bit.ly/MJ20BCresearch
- Boston College: Affordable Course Materials Grant Program
  bit.ly/MJ20grant
- FIU Office of the Provost, Textbook and Instructional Material Affordability
  bit.ly/MJ20textbook
  bit.ly/MJ20Lacayo
- Fla. Stat. 1004.085, Textbook and Instructional Materials Affordability
  bit.ly/MJ20FSU
- H2O, Open Casebook Initiative
  bit.ly/MJ20H2O
  bit.ly/MJ20congress
- OpenStax Institutional Partnership Program
  bit.ly/MJ20OpenStaxprogram

Wolters Kluwer Study Aids are being leveraged at Florida International University (FIU) Law and Boston College (BC) Law in myriad ways to increase portability and affordability. The method utilized to supplant expensive casebooks will vary by institution. When possible, print-title-to-ebook-equivalent is the simplest method to start with: provide students with the opportunity to access their assigned course materials through the libraries’ resources. The easiest way to determine these opportunities is by comparing your title lists to assigned booklists. Boston College (BC) law Library staff embed these links into Canvas course websites for easy access. Once faculty and students get an appetite for “free” materials, additional titles through these and other databases begin to present themselves.

Booklist integration is the foundation of FIU Law Library’s encouraging success story. In the 2018-2019 academic year, 484 FIU Law students benefited from FIU Law Library e-books as their assigned course book in 11 courses, saving them $24,941 by not purchasing equivalent print course materials. In Fall 2019, all legal writing 1Ls can use the e-book for the Interactive Citation Workbook through Lexis Digital Library, acquired for the purpose of supporting affordability. The current manufacturer’s suggested retail price (MSRP) for the 2019 edition is $44, resulting in an overall savings of $6,600 for incoming law students. Combined with other library licensed materials provided as alternatives to print, FIU Law students saved $13,610 in out-of-pocket costs in Fall 2019. Successful strategies begin with outreach to booklist creators at each institution, as well as Academic Affairs, Student Affairs, and the Student Bar Association.

Experiential Programs
Affordable course materials are a productivity boost for clinical faculty and students. Clinical faculty are receptive to e-resources for the obvious convenience in accessing these materials in court or any off-site location. Essential
tools such as state court rules pamphlets or practice guides can be instantly available in e-format. State-specific continuing legal education content, such as BC’s MCLE Online Pass subscription, promote clinic students’ use and awareness of practitioner tools. FIU Law’s clinical and externship program migrated to a fully electronic library in Fall 2019, focusing on Florida Bar practitioner materials and Florida court rules. Supplanting chunky print with portable ebooks in experiential programs has the added benefits of preparing students for real-world practice and serving as a success story to educate reluctant faculty on the value of using library resources as affordable course materials.

Academic law librarians can promote clinicians’ use of the library’s licensed content through the creation of specialized research guides focused on the clinics’ activities. Following are sample BC and FIU research guides:


Academic Success Programs
Academic success programs rely on success-driven indicators that make collaboration easy to justify (e.g., utilization of library-provided or subsidized materials can directly correlate to law student success stories). Law librarians can engage directly with faculty and students by offering training in library resources and licensing success-focused content. Boston College Law Library presents training sessions for student tutors and all 1L students in the use of Wolters Kluwer and West Academic Study Aids tools. FIU Law Library collaborates with its Academic Excellence Program to provide internet-based resources previously purchased out-of-pocket by students, resulting in both financial benefit and improved skills for students. In Fall 2019, FIU students replaced their academic success-recommended and/or required materials with law library-licensed content for an out-of-pocket savings of $67,568. Through outreach, subject-specific targeting, and collaboration with academic success faculty, affordability success stories are easy to tell and share.

Specialized Content
Affordable course materials can also be incorporated into specialized programs, multidisciplinary focus courses, and upper-level courses. The flexibility of selecting multiple sources for course readings without impacting student budgets will appeal to faculty faced with a fixed casebook alternative. Specialized content such as the e-books available on the IBFD tax platform will fill a niche in international law and international tax classes. The practice-oriented treatises, transcripts, and answer book content on the PLI Plus platform can boost student awareness of transactional tools. Classes requiring access to public policy materials can benefit from university-wide licensing of content such as the Oxford Handbooks or Edward Elgar content.

Curated Content
Faculty-curated content, while present on individual course websites, can also reside on shared platforms to promote wider cross-institution collaboration. One such open-source casebook platform is the Harvard H2O project. Law content traditionally found in law casebooks, namely court opinions, can be gathered from open sources. Similarly, statutory and regulatory supplements that are typically sold at high cost can be easily generated with web links to open government sites. Posting government publications of court rules to law school course sites in lieu of requiring students to purchase commercially printed rules texts is a ready solution. CALI also offers court rules in its e-Langdell series. Statutory supplements can be substituted with links to the GovInfo website (or the Legal Information Institute) for access to the U.S. Code. Similarly, faculty can mine the federal and state case law available through Google Scholar and the Caselaw Access Project. The process requires curation on the part of faculty, with assistance from law librarians as needed.

Keeping Cost in Focus
Professor Wu noted his transition to an open textbook solution as worthwhile to his students. Increased focus on the cost of legal education and methods to reduce those costs amplify the call for such change, and law librarians are central to answering this call. Affordability initiatives make it easy to demonstrate the law library’s value, since costs and student savings are readily calculated. Law librarians already know their collections’ ability to supplant supplement course materials, easing the ability to build affordability bridges.

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