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Ain't No Goin' Back: Teaching Mental Disability Law Courses Online

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MICHAEL L. PERLIN

“Ain’t No Goin’ Back”: Teaching Mental Disability Law Courses Online

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Let me start boldly: I believe that the single most important pedagogic development since I entered law school (nearly 40 years ago) has been the creation of online distance learning programs as part of the law school curriculum.¹ I have been offering online courses as part of New York Law School's ("NYLS") mental disability law curriculum² for five years, and have taught — alone and with others³ — well over twenty-five sections of these courses at NYLS and at other law schools domestically⁴ and abroad.⁵ If I ever had any doubts about the ability of students to learn through online distance learning ("DL") or about the need for every law school to embrace DL as part of the standard law school experience, those doubts have long vanished. I cannot visualize returning to a *status quo ante* world in which we teach the same way we were taught in law school, which is the same way our professors were taught when they were in law school, back to the days of Christopher Langdell in the 1870s.⁶ I am proud of my career as a lawyer, author, and teacher. But I believe that my role in creating the NYLS online mental disability law program will, in the long run, be my legacy to the legal academy and the profession.

In Part I of this article I will discuss how NYLS developed its DL program. In Part II, I will describe its pedagogy. In Part III, I will discuss (a) the courses we offer; (b) our current partnerships; (c) our search for new partners; and (d) our expansion plans. Finally, I will explain the derivation of the title of this article

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1. See generally Michael L. Perlin, *An Internet-based Mental Disability Law Program: Implications for Social Change in Nations with Developing Economies*, 30 FORDHAM INT'L L.J. (forthcoming 2007).
 2. See New York Law School, Online Program in Mental Disability Law, <http://www.nyls.edu/mdl> (last visited Sept. 25, 2006).
 3. These individuals — Professors Keri Gould, Richard Friedman, Pamela Cohen, Henry Dlugacz, Eva Szeli, Mary Pat Treuthart, and Laura Bliss — are all experienced mental disability law teachers, practitioners, and scholars. See, e.g., MICHAEL L. PERLIN, ARLENE S. KANTER, MARY PAT TREUTHART, EVA SZELI & KRIS GLEDHILL, INTERNATIONAL HUMAN RIGHTS AND COMPARATIVE MENTAL DISABILITY LAW: DOCUMENTS SUPPLEMENT (2006) [hereinafter PERLIN ET AL., INTERNATIONAL HUMAN RIGHTS]; MICHAEL L. PERLIN, KERI K. GOULD, PAMELA S. COHEN, HENRY A. DLUGACZ & RICHARD I. FRIEDMAN, LAWYERING SKILLS IN THE REPRESENTATION OF PERSONS WITH MENTAL ILLNESS (2006) [hereinafter PERLIN ET AL., LAWYERING SKILLS]; Pamela F. Cohen, *Being "Reasonable": Defining and Implementing a Right to Community-based Care for Older Adults with Mental Disabilities under the Americans with Disabilities Act*, 24 INT'L J.L. & PSYCHIATRY 233 (2001); Henry A. Dlugacz, *Riggins v. Nevada: Towards a Unified Standard for a Prisoner's Right to Refuse Medication?*, 17 LAW & PSYCHOL. REV. 41 (1993); Keri K. Gould & Michael L. Perlin, *"Johnny's in the Basement/Mixing Up His Medicine": Therapeutic Jurisprudence and Clinical Teaching*, 24 SEATTLE U. L. REV. 339 (2000); Daniel P. Greenfield et al., *Second Opinion Legal Consultation in Criminal Competency Evaluations*, 23 AM. J. FORENSIC PSYCHIATRY 59 (2002) (Friedman is a co-author); Eva Szeli & Dea Pallaska, *Violence Against Women with Mental Disabilities: The Invisible Victims in CEE/NIS Countries*, 76 FEMINIST REV. 117 (2004).
 4. See *infra* Part III.B.
 5. See *infra* Part III.B.
 6. See, e.g., Jack Balkin & Sanford Levinson, *Law and the Humanities: An Uneasy Relationship*, 18 YALE J.L. & HUMAN. 155, 159–61 (2006), and especially *id.* at 160 n.11, quoting and discussing CHRISTOPHER COLUMBUS LANGDELL, A SELECTION ON THE LAW OF CONTRACTS (Lawbook Exchange 1999) (1871).

(which should not be a surprise to those who are familiar with much of what I have written for the past ten years).⁷

I. HOW THE DL PROGRAM DEVELOPED⁸

In 2000, when Dean Richard Matasar⁹ came to New York Law School, he asked whether there were faculty members interested in attempting an experiment in legal education that was somewhat “outside the box.”¹⁰ I volunteered,¹¹ and we began by working with CompassKnowledge (“CK”), a distance learning company based in Orlando, Florida.¹² From CompassKnowledge officials — especially Cynthia Wheatley, then CK’s director of distance learning¹³ — I learned that a successful DL program needed to appeal to all learning styles.¹⁴ Thus, we sought to incorporate all styles into our curriculum and pedagogy.¹⁵

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7. For a sampling of titles see, for example, Michael L. Perlin, “*And My Best Friend, My Doctor/Won’t Even Say What It Is I’ve Got*”: *The Role and Significance of Counsel in Right to Refuse Treatment Cases*, 42 SAN DIEGO L. REV. 735 (2005); Michael L. Perlin, “*Chimes of Freedom*”: *International Human Rights and Institutional Mental Disability Law*, 21 N.Y.L. SCH. J. INT’L & COMP. L. 423 (2002); Michael L. Perlin, “*Everything’s a Little Upside Down, as a Matter of Fact the Wheels Have Stopped*”: *The Fraudulence of the Incompetency Evaluation Process*, 4 HOUS. J. HEALTH L. & POL’Y 239 (2004); Michael L. Perlin, “*Life is in Mirrors, Death Disappears*”: *Giving Life to Atkins*, 33 N.M. L. REV. 315 (2003); Michael L. Perlin, “*Limited in Sex, They Dare*”: *Attitudes Toward Issues of Patient Sexuality*, 26 AM. J. FORENSIC PSYCHIATRY 25 (2005); Michael L. Perlin, “*May You Stay Forever Young*”: *Robert Sadoff and the History of Mental Disability Law*, 33 J. AM. ACAD. PSYCHIATRY & L. 236 (2005); Michael L. Perlin, “*She Breaks Just Like a Little Girl*”: *Neonaticide, the Insanity Defense, and the Irrelevance of “Ordinary Common Sense”*, 10 WM. & MARY J. WOMEN & L. 1 (2003); Michael L. Perlin, “*Things Have Changed*”: *Looking at Non-institutional Mental Disability Law Through the Sanism Filter*, 46 N.Y.L. SCH. L. REV. 535 (2002–03); Michael L. Perlin, “*What’s Good Is Bad, What’s Bad Is Good, You’ll Find Out When You Reach the Top, You’re on the Bottom*”: *Are the Americans with Disabilities Act (and Olmstead v. L.C.) Anything More than “Idiot Wind”?*, 35 U. MICH. J.L. REFORM 235 (2001–02); Michael L. Perlin, “*You Have Discussed Lepers and Crooks*”: *Sanism in Clinical Teaching*, 9 CLINICAL L. REV. 683 (2003).
 8. Text *infra* accompanying notes 16–20 is adapted from Perlin, *supra* note 1.
 9. Dean Matasar was an early visionary in computer-based legal education. See, e.g., Richard A. Matasar & Rosemary Shields, *Electronic Law Students: Repercussions on Legal Education*, 29 VAL. U. L. REV. 909 (1995); Richard A. Matasar, *Private Publics, Public Privates: An Essay on Convergence in Higher Education*, 10 U. FLA. J. L. & PUB. POL’Y 5 (1998); Richard A. Matasar, *Skills and Values Education: Debate about the Continuum Continues*, 46 N.Y.L. SCH. L. REV. 395 (2002–03).
 10. This approach to legal education had always appealed to me. See Michael L. Perlin, *Stepping Outside the Box: Viewing Your Client in a Whole New Light*, 37 CAL. W. L. REV. 65 (2000).
 11. I tell people that I raised my hand and said, “Coach, put me in. I’m ready to play centerfield.” That may be apocryphal, but I wouldn’t bet on it either way.
 12. See Compass Knowledge Group, <http://www.compassknowledge.com> (last visited Oct. 2, 2006).
 13. See Compass Knowledge Management Team, <http://www.compassknowledge.com/about/team.htm> (last visited Oct. 2, 2006).
 14. See *infra* note 28 and accompanying text.
 15. See, e.g., David Diaz & Ryan Cartnal, *Students’ Learning Styles in Two Classes: Online Distance Learning and an Equivalent On-campus Class*, 47 C. TEACHING 130 (1999).

TEACHING MENTAL DISABILITY LAW COURSES ONLINE

Distance learning is generally defined as “communication which connects instructors and students who are separated by geography and, often, by time,” or as “the electronic connection of multiple classrooms.”¹⁶ There are many different ways through which law schools and universities have adopted and marketed distance learning models: partnerships between public or private sector universities and for-profit corporations; for-profit subsidiaries, wholly-owned by a public or private nonprofit university; for-profit subsidiaries of a public or private nonprofit university, funded by venture capital; and for-profit distance learning institutions created and owned by a for-profit corporation.¹⁷ Professor Henry Perritt has articulated the challenge of creating such educational models in this way:

United States law schools have an important role to play in connection with these revolutionary phenomena. They can and should support electronic publishing and virtual library initiatives by public institutions. They must continue to perform their functions of generating intellectual and human capital in the form of scholarship and well-educated graduates, taking into account the new substantive legal issues presented by the Internet. It is increasingly clear that the Internet provides a new set of educational tools — tools for “distance learning.” More schools must begin to understand how these tools can be used to improve the quality of their teaching.¹⁸

Distance learning courses also enable students to share different perspectives, and provide a new environment for teaching law students to collaborate with other types of professionals,¹⁹ a characteristic “increasingly essential to the effective practice of law.”²⁰

Our initial course (then simply called *Mental Disability Law*) was launched in the fall of 2000 as a CLE/CEU program only.²¹ The next year, we began to run the online program directly through the law school, and started to offer the course (now called *Survey of Mental Disability Law* (“SMDL”)) as a

16. Helen Leskovic, *Distance Learning in Legal Education: Implications of Frame Relay Videoconferencing*, 8 ALB. L.J. SCI. & TECH. 305, 309 (1998).

17. See Risa L. Lieberwitz, *The Corporatization of the University: Distance Learning at the Cost of Academic Freedom?*, 12 B.U. PUB. INT. L.J. 73 (2002).

18. Henry H. Perritt, Jr., *The Internet is Changing the Face of American Law Schools*, 33 IND. L. REV. 253, 255 (1999).

19. Paula E. Berg, *Using Distance Learning to Enhance Cross-Listed Interdisciplinary Law School Courses*, 29 RUTGERS COMPUTER & TECH. L.J. 33, 33-34 (2003).

20. *Id.* at 34.

21. We had twenty-six students in our first section (which I team-taught with Adjunct Professor Keri Gould); twenty of those students were psychologists, three were psychiatrists, and three were lawyers. I believe this was a reflection of CK's marketing strategies.

three-credit class for NYLS students as part of our full academic program.²² We also began to offer sections domestically in partnerships with other law schools, and internationally, in partnership with other universities and mental disability advocacy organizations.²³

By now, I have taught and/or supervised well over twenty-five sections of online mental disability law courses. I have found that students are consistently better prepared, more intellectually engaged, employ more critical thinking, and participate at a greater rate in online courses than in traditional classes. Students contact me far more often seeking suggestions for additional or supplemental readings, and in the two terms that I have taught the same material in an online course and in a traditional class, online students performed strikingly better on exams.

This is not a surprise: it is certainly consistent with my experiences (twenty-three years of teaching in traditional classrooms, including six of teaching online) that certain students — whose shyness and averseness to the potential humiliation inherent (or perceived to be inherent) in classroom interchanges (both with faculty and other students) leads them to be “back-benchers” in large classes — flourish in the online environment. The downsides, by contrast, are minimal. For example, I would be less than honest if I did not point out that, several years ago, there were significant frustrations attendant to the actual technological aspect of the course (in terms of connectivity, lack of connectivity, etc.). In the past three years, however (and this is entirely thanks to the NYLS/Collegis Sungard OIT staffs), these problems have entirely disappeared.²⁴

In addition to the *SMDL* course, we now offer three other online courses: *The Americans with Disabilities Act: Law, Policy and Practice (“ADA”)*, *International Human Rights Law and Mental Disability Law*, and *Law-yring Skills for the Representation of Persons with Mental Disabilities*.²⁵ In the spring 2007 term, we added a fifth course to this array: *Mental Health*

22. NYLS students now make up the vast majority of the domestic classes that we offer directly through this program. Others — lawyers, mental health professionals, activists, and advocates — also register for this course and the other courses in the NYLS online program. By way of example, in the Spring 2006 section of the *International Human Rights and Mental Disability Law* course, human rights lawyers from the United Kingdom and Africa were part of our section (along with a philosophy student and a Medicaid hearing examiner whose terminal degree was in social work).

23. See *infra* text accompanying notes 58–59.

24. I have noticed, however, that skeptics — who are predisposed to find online education pedagogically inadequate — are far less likely to give “second chances” if there is the slightest technological “blip.” I expect this is an example of the attribution heuristic (through which individuals interpret a wide variety of additional information to reinforce pre-existing stereotypes) at work. See Michael L. Perlin, “*The Borderline Which Separated You From Me: The Insanity Defense, the Authoritarian Spirit, the Fear of Faking, and the Culture of Punishment*,” 82 IOWA L. REV. 1375, 1417 (1997).

25. See *infra* text accompanying notes 56–59, discussing the partnerships that we have created through which we offer these courses (both domestically and internationally).

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Issues in Jails and Prisons.²⁶ We will launch a Masters in mental disability law studies during the 2008 calendar year.²⁷

II. THE PEDAGOGY

We thought it was critical that our courses appeal to individuals with the full array of learning styles.²⁸ Therefore, we consciously chose a combination of approaches — viewing DVDs, reading assignments, synchronous and asynchronous participation, and live seminars — for our courses. By way of example, the first course, *SMDL*, includes these components:

1. 14 hours of DVDs, all of which I prepared;
2. A casebook²⁹ and book of readings,³⁰ as well as two supplemental books, one a “table setter,”³¹ and one a mid-term “palate cleanser”;³²
3. Weekly reading assignments with “focus questions”;
4. A midterm and final take-home exam;
5. On-going, threaded, on-line message boards;³³
6. A weekly, moderated on-line chat room;³⁴ and
7. Two live day-long seminars, one about a month after the course begins, and one at the course’s conclusion.³⁵

26. A sixth course, *Competency and the Civil Law (“CCL”)*, originally scheduled to be offered in the 2006–07 academic year has now been deferred to the 2007–08 academic year. See *infra* text accompanying note 55.

27. See *infra* Part III.D.

28. The way that students absorb and process information is a key part of their learning style. In addition to verbal, other methods of absorbing and processing information include visual, oral, and tactile and kinesthetic. See Dionne Koller, *Legal Writing and Academic Support: Timing is Everything*, 53 CLEV. ST. L. REV. 51, 60–61 (2005–06), citing M.H. Sam Jacobson, *A Primer on Learning Styles: Reaching Every Student*, 25 SEATTLE U. L. REV. 139, 150–57 (2001); see also, e.g., Robin A. Boyle & Rita Dunn, *Teaching Law Students Through Individual Learning Styles*, 62 ALB. L. REV. 213, 224–25 (1998), relying on RITA DUNN & KENNETH DUNN, TEACHING SECONDARY STUDENTS THROUGH THEIR INDIVIDUAL LEARNING STYLES: PRACTICAL APPROACHES FOR GRADES 7–12, at 3–5 (1993) (discussing the role of physiological factors, psychological factors, emotional factors, environmental factors, and sociological factors on the development of learning styles).

29. MICHAEL L. PERLIN, *MENTAL DISABILITY LAW: CASES AND MATERIALS* (2d ed. 2005).

30. MICHAEL L. PERLIN, *THE HIDDEN PREJUDICE: MENTAL DISABILITY ON TRIAL* (2000).

31. SUSAN SHEEHAN, *IS THERE NO PLACE ON EARTH FOR ME?* (1983).

32. MICHAEL WINERIP, *9 HIGHLAND ROAD: SANE LIVING FOR THE MENTALLY ILL* (1995).

33. These are asynchronous. “Asynchronous” education is not simultaneous; in other words, there is a time delay between one student posting a message on the message boards, and another student reading it. See, e.g., National Center for Education Statistics, *Distance Education at Degree-Granting Postsecondary Education Institutions: 2000–2001*, at 1 (July 2003), available at <http://nces.ed.gov/pubsearch/pubsearch/pubinfo.asp?pubid=2003017>.

34. The chat room is synchronous, and is scheduled in the same way as any other NYLS class (say, Monday evening, 8:45–10 pm). Attendance is mandatory as it is for any other NYLS class.

35. In the international iterations, each of these seminars lasts two days. See *infra* text accompanying notes 58–59.

The first seven weeks of this course cover civil/constitutional issues (involuntary civil commitment,³⁶ institutional rights,³⁷ the right to refuse treatment,³⁸ deinstitutionalization,³⁹ and the Americans with Disabilities Act⁴⁰); the next six cover criminal issues (competencies,⁴¹ the insanity defense,⁴² Federal Sentencing Guidelines,⁴³ sexually violent predator acts,⁴⁴ the importance of mental disability in criminal trial process issues — such as confessions⁴⁵ and the privilege against self-incrimination,⁴⁶ and the death penalty);⁴⁷ and the final week sums up the course. Participants are placed in sections of fifteen to twenty students, and adjunct professors⁴⁸ work with me in directly supervising the students. NYLS students (and students from other law schools taking this course as part of a “NYLS section”⁴⁹) get three credits. Non-law students get certificates from NYLS, and members of the bar get Continuing Legal Education credits.

III. THE PRESENT AND THE FUTURE

A. Our Courses

As I have already indicated, we currently have five courses in our DL curriculum.⁵⁰ Our other courses follow a similar pedagogic model as the *SMDL* course. For example, the *ADA* course includes, *inter alia*, units contextualizing the ADA and mental disability law jurisprudence, definitions of “disability,” employment discrimination, discrimination in public accommodations and profes-

36. *E.g.*, O'Connor v. Donaldson, 422 U.S. 563 (1975); Jackson v. Indiana, 406 U.S. 715 (1972); Lessard v. Schmidt, 349 F. Supp. 1078 (E.D. Wis. 1972) (other citations omitted).

37. *E.g.*, Youngberg v. Romeo, 457 U.S. 307 (1982); Wyatt v. Stickney, 325 F. Supp. 781 (M.D. Ala. 1971), *aff'd in part, rev'd in part sub nom.* Wyatt v. Aderholt, 503 F.2d 1305 (5th Cir. 1974) (other citations omitted).

38. Riggins v. Nevada, 504 U.S. 127 (1992); Rennie v. Klein, 653 F.2d 836 (3d Cir. 1981) (other citations omitted); Rogers v. Okin, 634 F.2d 650 (1st Cir. 1980) (other citations omitted); Rivers v. Katz, 504 N.Y.S.2d 74 (1986).

39. *E.g.*, Pennhurst State Sch. & Hosp. v. Halderman, 451 U.S. 1 (1981).

40. *E.g.*, Olmstead v. L.C., 527 U.S. 581 (1999).

41. *E.g.*, Godinez v. Moran, 509 U.S. 389 (1993); Drope v. Missouri, 420 U.S. 162 (1975); Dusky v. United States, 362 U.S. 402 (1960).

42. *E.g.*, MICHAEL L. PERLIN, *THE JURISPRUDENCE OF THE INSANITY DEFENSE* (1994).

43. *E.g.*, Michael L. Perlin & Keri K. Gould, *Rashomon and the Criminal Law: Mental Disability and the Federal Sentencing Guidelines*, 22 AM. J. CRIM. L. 431 (1995).

44. *E.g.*, Kansas v. Hendricks, 521 U.S. 346 (1997).

45. *E.g.*, Colorado v. Connelly, 479 U.S. 157 (1986).

46. *E.g.*, Estelle v. Smith, 451 U.S. 454 (1981).

47. *E.g.*, Atkins v. Virginia, 536 U.S. 304 (2002).

48. *See supra* note 3.

49. Students from Concord Law School have been doing this regularly for the past three years.

50. *See supra* text accompanying notes 25–26.

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sional licensing, housing discrimination, discrimination in public services, institutional segregation as discrimination, the ADA and the criminal justice system, and sovereign immunity and access to courts.⁵¹ The *Lawyering Skills* course includes civil commitment standards, outpatient commitment, issues of proof, dealing with expert witnesses, rights to community services, patient advocacy issues, and dealing with stigma and public awareness.⁵² The *International Human Rights* course includes units on comparing civil and common law systems, an overview of international human rights law, an overview of regional human rights tribunals, an overview of U.S. constitutional mental disability law, mental disability law in an international human rights context, comparative mental disability law (civil and common, scholarly articles, and case law), the use of institutional psychiatry as a means of suppressing political dissension, the “universal factors” in this area of law, and the globalization of disability law.⁵³

The *Jails and Prisons* course (offered in the spring 2007 term for the first time) includes materials on the historical development of the constitutional right to correctional health/mental health care, issues involving staffing, record keeping, suicide prevention, the significance of professional standards, the relationship between correctional mental health care and community systems of care, transfer issues, monitoring, informed consent, risk assessment, and privatization of services.⁵⁴ The *Competency* course (to be offered in the 2007-08 academic year for the first time) will include segments on the role of mental capacity in the law governing private transactions (including financial matters as well as personal relationships), the law of guardianship, contracts, wills and gifts, marriage, and other matters in the realm of domestic relations.⁵⁵

51. We use PETER BLANCK ET AL., *DISABILITY CIVIL RIGHTS LAW AND POLICY: CASES AND MATERIALS* (2005) as the casebook and DAVID M. ENGEL & FRANK W. MUNGER, *RIGHTS OF INCLUSION: LAW AND IDENTITY IN THE LIFE STORIES OF AMERICANS WITH DISABILITIES* (2003) as the supplemental text.

52. The *Lawyering Skills* course differs pedagogically from the other courses somewhat in that it includes two simulated trials (an involuntary civil commitment hearing and an incompetency to stand trial proceeding) as well as a simulated counseling exercise. We use PERLIN ET AL., *LAWYERING SKILLS*, *supra* note 3, and PERLIN, *supra* note 29, as the casebooks.

53. We use PERLIN ET AL., *INTERNATIONAL HUMAN RIGHTS*, *supra* note 3, as the casebook.

54. We use HENRY A. DLUGACZ & MICHAEL L. PERLIN, *MENTAL HEALTH ISSUES IN JAILS AND PRISONS: CASES AND MATERIALS* (forthcoming) as the casebook.

55. We will use MICHAEL L. PERLIN, PAMELA R. CHAMPINE, HENRY A. DLUGACZ & MARY CONNELL, *COMPETENCE IN CRIMINAL AND CIVIL LAW: FROM LEGAL THEORY TO CLINICAL APPLICATIONS* (2007) (forthcoming) as the course text. We also expect to be offering three other new courses in the 2007-08 academic year: *Forensic Reports and Forensic Evidence*, *Sexual Offenders*, and *Mental Illness, Dangerousness, Risk Assessment, and the Police Power*.

B. *Current Partnerships*

The *SMDL* course is being offered on an ongoing basis domestically at NYLS,⁵⁶ at Southern University Law Center, at McGeorge Law School, at Gonzaga University Law School, and at Oklahoma City University School of Law.⁵⁷ The *ADA* course is also being offered regularly at Southern University Law Center. Oklahoma City University School of Law has also just approved the addition of *Lawyering Skills* to its curriculum.

We have offered the *SMDL* and *ADA* courses in Japan, in conjunction with the Tokyo Advocacy Law Office ("TALO"),⁵⁸ and the *SMDL* course in Nicaragua at the Universidad Americana Managua ("UAM").⁵⁹ We expect to be offering the *Lawyering Skills* course in Japan in the summer 2007 term, again in conjunction with TALO, and, perhaps, also in conjunction with a Japanese university. We have also offered a compressed version of the *International Human Rights* course in conjunction with the Institute of Human Rights of Abo Akademi University (in Turku, Finland).

C. *Our Search for New Partners*

NYLS seeks to expand its courses both with domestic and international partners. It is currently engaged in conversations with at least a dozen U.S. law schools, several graduate programs in forensic psychology, and professional associations whose membership is comprised of lawyers and mental health professionals with practices and academic interests that focus on all aspects of mental disability law. It is also engaged in conversations with universities, law schools, non-governmental organizations, and advocacy organizations located in, literally, every continent and every corner of the world, including China, Uganda, Bulgaria, and Mexico.

D. *Expansion Plans*

We will launch a Masters program in mental disability law studies at NYLS in January 2008. This program will consist almost entirely of online courses, and will be open to both lawyers and mental health professionals. As we conceive of it, it will be the only program of its sort offered at any law school in the nation. As part of this enterprise, we will offer a wider range of online courses that will include *Sex Offenders, Forensic Reports and Forensic Ethics, Mental Illness, Dangerousness, the Police Power and Risk Assess-*

56. Students from Concord Law School also regularly enroll in all of NYLS's online courses. See *supra* note 49.

57. We expect that these law schools will also be offering this course regularly in the future as well.

58. This course was offered by the Tokyo Advocacy office in partnership with the Association for Better Mental Health and with Zenkanren, two Japanese mental disability advocacy groups.

59. UAM offered this course in partnership with the Nicaraguan Association for Community Integration ("ASNIC") and with Inclusion Interamericana. See Perlin, *supra* note 1, manuscript at 17 n.49.

ment,⁶⁰ *Mental Health Professional Liability: Custody Evaluations*, and *Family Law and Persons with Mental Disabilities*. At this time, we will also offer certificates in Advanced Mental Disability Law for students who wish to pursue their studies in this area, but do not wish to commit the time and resources to a full thirty-credit Masters.⁶¹

After the program is successfully launched, we plan on adding the following courses: *Health Care Financing Law*, *Health Benefits and Entitlements Law*, *Implementation of Consent Decrees in Mental Disability Law Cases*, *Antitrust Problems in Health Care Law*, *Criminal Law for Mental Health Professionals*, *The Death Penalty and Mental Disability*, *Mental Health Courts*, *Complex Mental Disability Litigation*, *The Therapeutic Jurisprudence of Lawyering*, and *Bioethics*.

IV. CONCLUSION

I am both enthusiastic and energized by these developments. We have successfully overcome some technological problems that caused us concern *before* we contracted with our current provider (Collegis Sungard). I remain perplexed by the Manichean attitudes I have encountered in my travels on the part of some law school deans (and Curriculum Committee Chairs) who have rejected my proposal that online education should be a part of *every* law school curriculum.⁶² But, I am glad to say that each year I find fewer and fewer espousing this attitude.

Empirically, I have been thrilled by both the performance of our students (as reflected in their test scores) and by their passion for online learning and the relevant subject matter — as reflected in the number who have taken multiple courses, who have asked me to “save [them] a place” in the Masters program, and who have chosen to practice in this area of the law. In short, I believe that distance learning has been a total success. I credit Dean Matasar for planting the idea in my mind, for supporting me, and for encouraging me in this venture. Now, in my twenty-third year as a full-time teacher, I can easily say that distance learning has been the most significant development of my career.

Those who have read other of my law review articles know that I am a huge Bob Dylan fan, and my law review articles often have a Dylan lyric in their title.⁶³ As I prepared the presentation on which this article is based, I thought of a fairly obscure Dylan song: one that he has never sung in person,⁶⁴

60. See *supra* note 55.

61. Students will be eligible for such certificates when they complete 15 credits.

62. This will be the topic of a free-standing law review article that I expect to write in the not-that-distant future.

63. See *supra* note 7.

64. See <http://bobdylan.com/links> (“Songs Never Played Live” page) (last visited Aug. 9, 2006).

and one that is only known to the musical public via Lou Reed's ferocious cover version at the Thirtieth Anniversary Tribute concert in 1993.⁶⁵ The song, *Foot of Pride*, was written in 1983 as Bob's "born-again" days were coming to an end.⁶⁶ The chorus of that song resonates with me,⁶⁷ and I think it describes very well what we are doing here: *Well, there ain't no goin' back when your foot of pride come down. Ain't no goin' back.*⁶⁸

Too many law schools have a "foot of pride" when it comes to rethinking the curriculum, rethinking teaching methods, rethinking how we do things. But, as Bob tells us, there "ain't no goin' back." If I leave the reader with one thought, I hope it is this one.

65. See BobDylan.com, <http://bobdylan.com/songs/foot.html> (last visited Aug. 9, 2006).

66. See, e.g., HOWARD SOUNES, *DOWN THE HIGHWAY: THE LIFE OF BOB DYLAN* 324–36 (2001).

67. And with others. See MICHAEL GRAY, *SONG & DANCE MAN III: THE ART OF BOB DYLAN* 475 (2001): "What an explosion of words! What an unblocking of Swiftian vitriol!" (discussing song's lyrics).

68. See *supra* note 64.

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