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Law Schools and the Global Pandemic

New Research

This spring, the coronavirus pandemic changed the face of legal education across the country as schools moved to bring instruction online. To better understand the response of law schools to this new reality, and to illuminate the challenges and opportunities they face in the coming semesters, Thomson Reuters sponsored a survey of 2,897 law school students, faculty, and administrators in August 2020. The vast majority of students in the survey — 89% — were taking classes entirely online when the survey was conducted.



Overall, the survey found a high level of alignment between students, faculty, and administrators. This level of camaraderie was likely heightened by the necessity of responding to the pandemic. However, this fellowship broke down on some issues, demonstrating a disconnect between administrators and faculty and students. For example, while students understand that faculty are doing the best they can in a difficult situation, they are nonetheless concerned about the value of the legal education that they are receiving online. Administrators have much different expectations than students or faculty regarding a return to in-person classes.

The survey also unearthed opportunities for law schools to take a step back and consider what the future of legal education might look like, given a newly accelerated acceptance of online instruction.

Survey Findings

HIGH LEVELS OF ALIGNMENT

The shared priorities between students, faculty, and administration are perhaps the survey's most hopeful findings. While all three groups are struggling with technology and unpredictability in different ways, they generally agree on the biggest challenges. These are engagement with classwork, issues of technology access, and learning and teaching environments.

Student Perspective

Students' biggest challenge, by far, is staying engaged with online classes. Sixty-two percent of students rated this as highly challenging.¹ In a few cases, students said that the pandemic gave them the opportunity to connect with professors in ways they might not have otherwise — but overall, they found it challenging to stay engaged online. "Virtual learning is really hard," wrote one student. "The lack of interaction with the professor and classmates has greatly reduced my information engagement and retention."

¹ Among respondents, 62% rated staying engaged with online classes as a 7 or higher on a 10-point scale.

Students' second-biggest challenge was the study environment they faced early in the pandemic, as they tried to focus on academics without access to classrooms and libraries, and with alternatives such as offices and coffee shops closed. Some students reported difficulties trying to study while taking care of children or younger siblings. Overall, 53% rated their learning environments challenging.

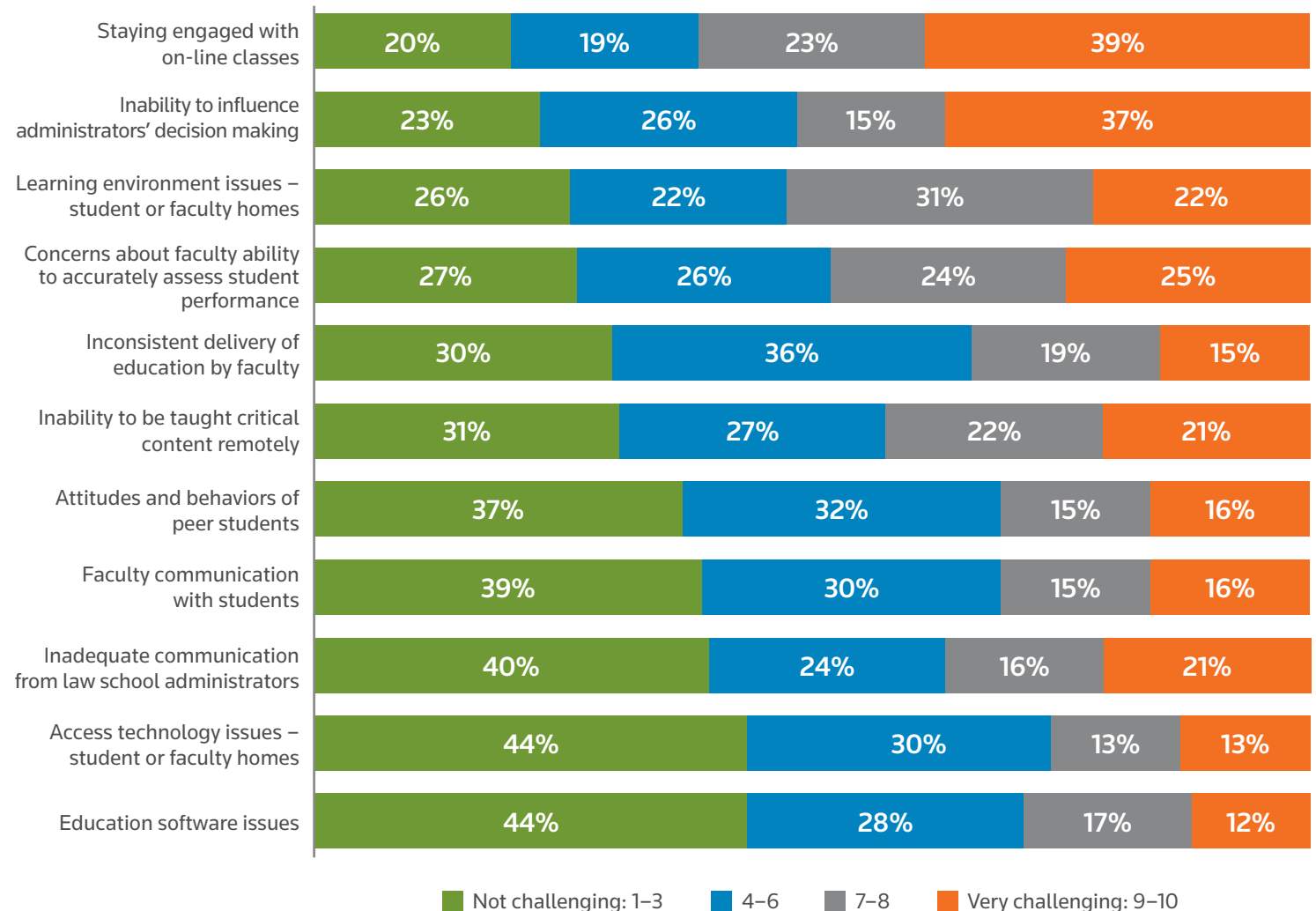
Professors were empathetic. As one wrote:

The disparity among students is stark. Some students are in second story bedrooms with high-tech equipment and a beach view in the background – not virtual – a real view. And others are in closets or cars to try to find a quiet space on an old laptop with a [bad] internet connection. To think they are graded against each other is horrific.

The third biggest challenge for students was one that was not shared by administrators: The inability to influence decision-making, which was cited by 52% of students as challenging.

In a time of great uncertainty, students expressed frustration with a lack of clear guidance from their administrations and the lack of a voice in how schools negotiated the pandemic. To be in a space such as a law school – where students are the paying customers – and not have an opportunity to express one's opinions was understandably frustrating. "This has been the hardest semester of my life," wrote one student. "The administration [at my school] is not supporting its students. They raised tuition and have not been listening to our concerns."

Students' Challenges



Faculty Perspective

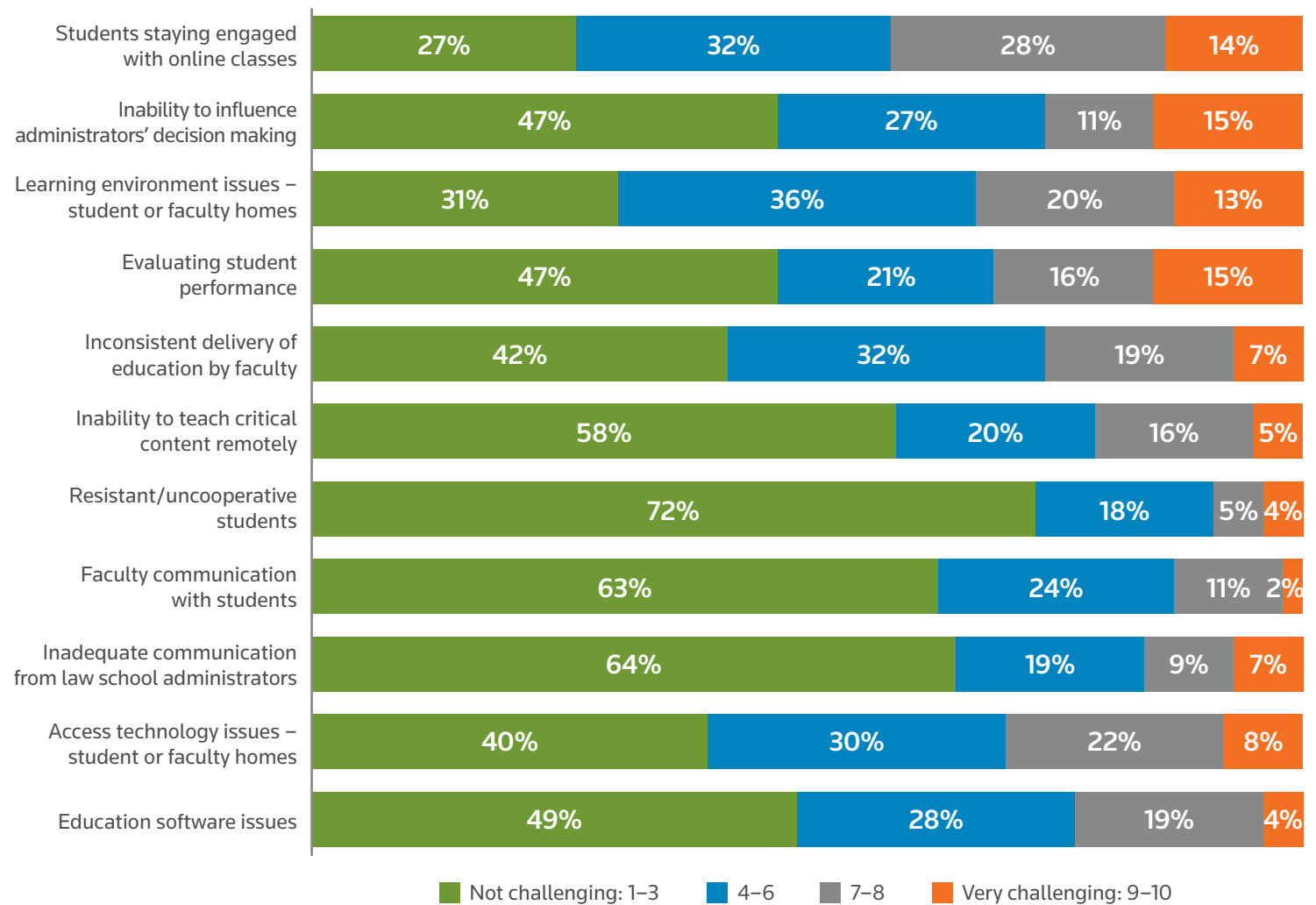
The concern around student engagement also resonated with faculty, with 42% finding this challenging, and rating it as their top challenge overall. Faculty had many of the same concerns with workspaces and learning environments as the students did, with 33% rating learning and working environments as challenging.

While 26% of faculty were frustrated with their inability to influence the administration, they faced a slightly bigger challenge in fairly evaluating student performance. Some turned to a pass/fail system, which was at times an unsatisfying solution. "The shift to pass/fail grading in the spring had a detrimental impact on student learning," wrote one professor. "Some of the worst final exams I have ever read."

Students weren't always happy with the decision, either. One said the switch to pass/fail "protected those students already at the top and destroyed the opportunities of students at the bottom to improve their G.P.A. and any chance of finding a good job after graduation."

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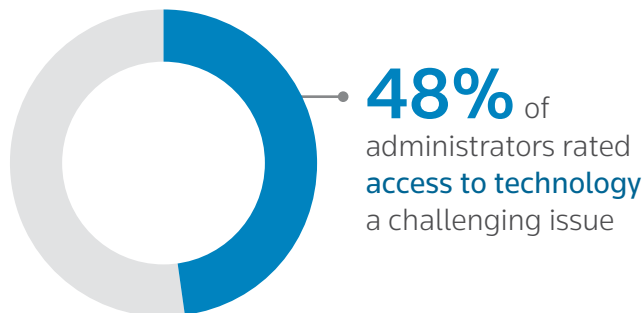
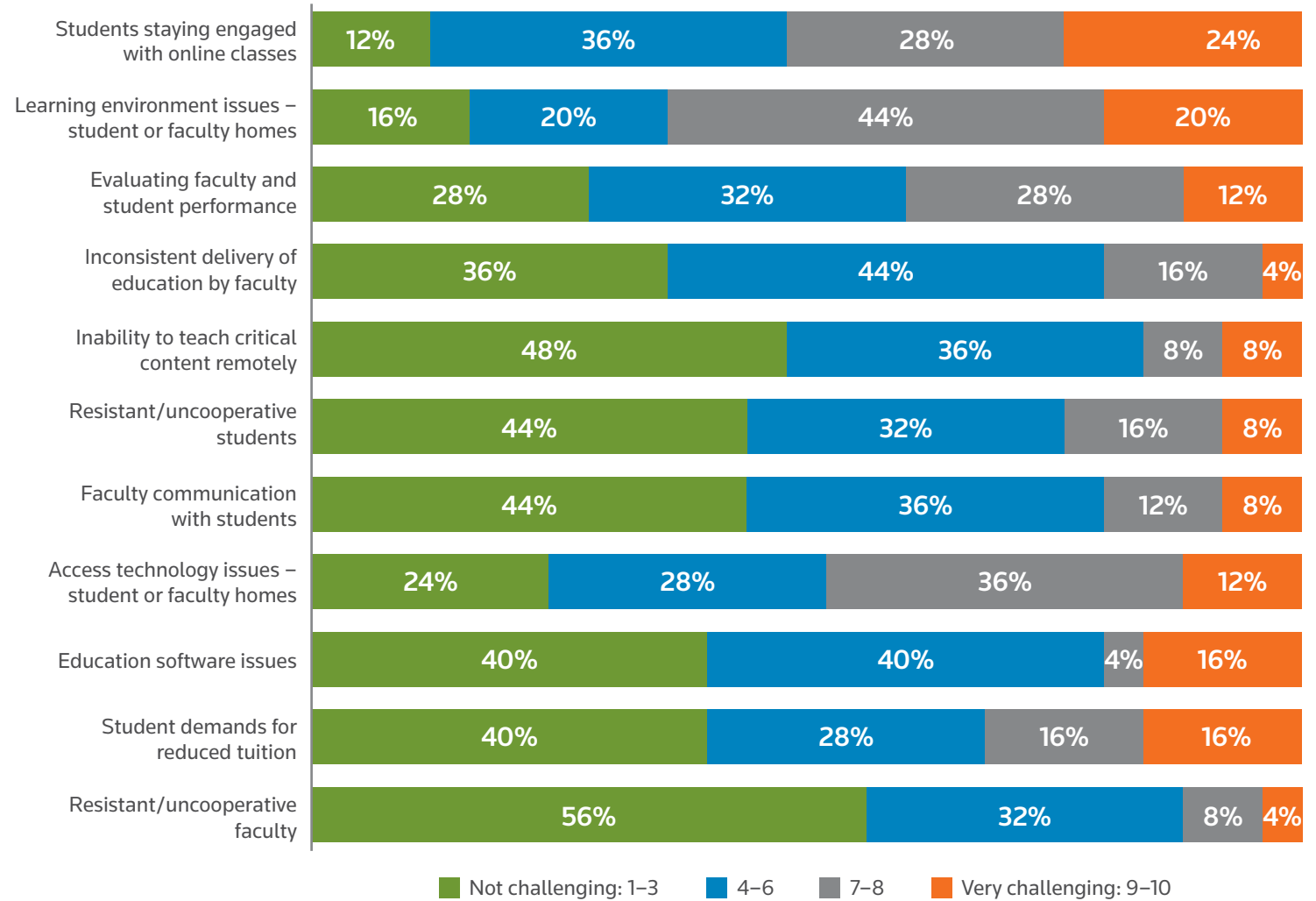
Faculty's Challenges



Administrators' Perspective

Administrators also were concerned about students' ability to stay engaged during online classes, with 52% of administrators rating this challenging. They also were acutely aware of issues concerning learning environments. And if a student or faculty member consistently had difficulty with technology, that issue would make its way to administrators, with 48% rating access to technology a challenging issue.

Administrators' Challenges



QUESTIONING THE VALUE OF ONLINE EDUCATION

A significant number of students — 43% — are concerned about their ability to learn critical information remotely. “We are not getting the same quality of education, so we should not be paying even more for our education that we were last year,” wrote one student. When asked to rate the value for money of their law degree, 30% of students assigned it a low score.

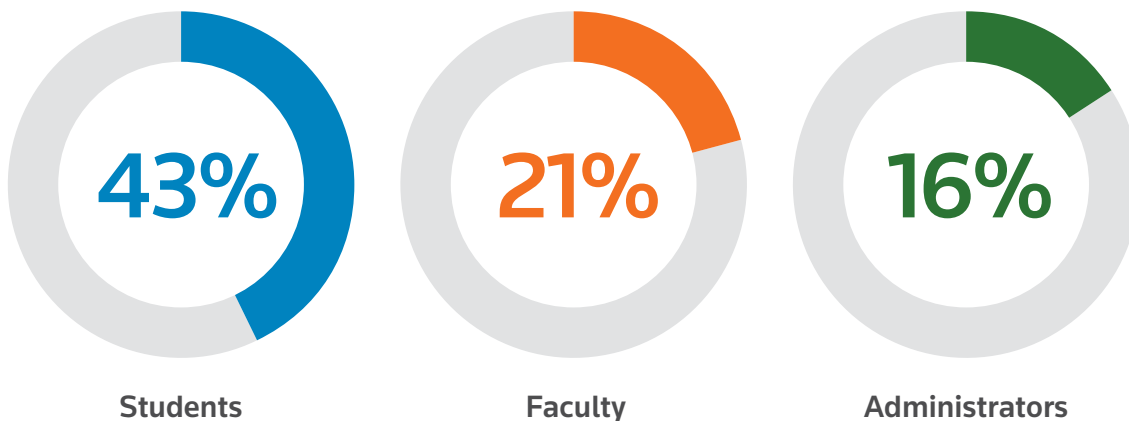
That concern is shared by 21% of faculty and 16% of administrators. As one professor wrote:

Much of the experiential skills course on courtroom jury litigation cannot be taught online, particularly in how to move about the courtroom in opening and closing, direct and cross of witnesses, asking to approach the witness or the bench, and in making and responding to objections. One cannot practice the skill of “thinking fast on your feet” when sitting at a laptop, and the instructor likewise cannot demonstrate it.

Law schools, like law firms, have long looked at technological savvy as a nice-to-have – not a must-have. About a third of students — 34% — gave low scores to the general quality of legal technology training they were receiving. As law schools struggle to pivot, students are doubting schools’ abilities to use technology to deliver the education they expect. Wrote one student: “Myself and my soon-graduating peers will always have an asterisk next to their J.D., due solely to being forced online.”

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Concern About Ability to Learn Critical Information Remotely



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A NEW SENSE OF COHESION

Despite the terrible cost of the pandemic, both faculty and students reported that their shared understanding of the situation generated a surprising amount of cohesion on campus. Both said they had forged stronger bonds with each other than they might have otherwise. Students cited a sense of solidarity with their school and “a greater appreciation for teachers who go above and beyond.” Students praised the faculty for the quality of their feedback on assignments and mentioned the understanding and thoughtfulness shown by professors.

Professors noted that some students who were not engaged in in-person classes seemed more comfortable speaking up after classes were moved online. One wrote, “Engagement with class continues today. We stayed in touch all summer.” This is reassuring given the level of difficulty expressed by both students and faculty in staying engaged with online classes.

Administrators agreed. “As challenging as it was,” wrote one, “to some degree [the pandemic] galvanized faculty and staff. While we generally have a strong community within the school, the need to focus intently on a singular challenge made us work together more closely than is often needed, which did heighten the sense of camaraderie.”

Administrators, however, were the least likely group to benefit from that camaraderie. Students were quite forgiving of teachers but less so of administration, which both faculty and administrators seem to recognize. Only 12% of students said that communication with faculty was one of their top three challenges, but 21% complained of poor communications with administrators (see chart p. 14). As one wrote:

I understand and am empathetic of the struggles faced by law school administrators. However, inconsistent procedures and ineffective communication have added unnecessary stress to an already stressful situation.

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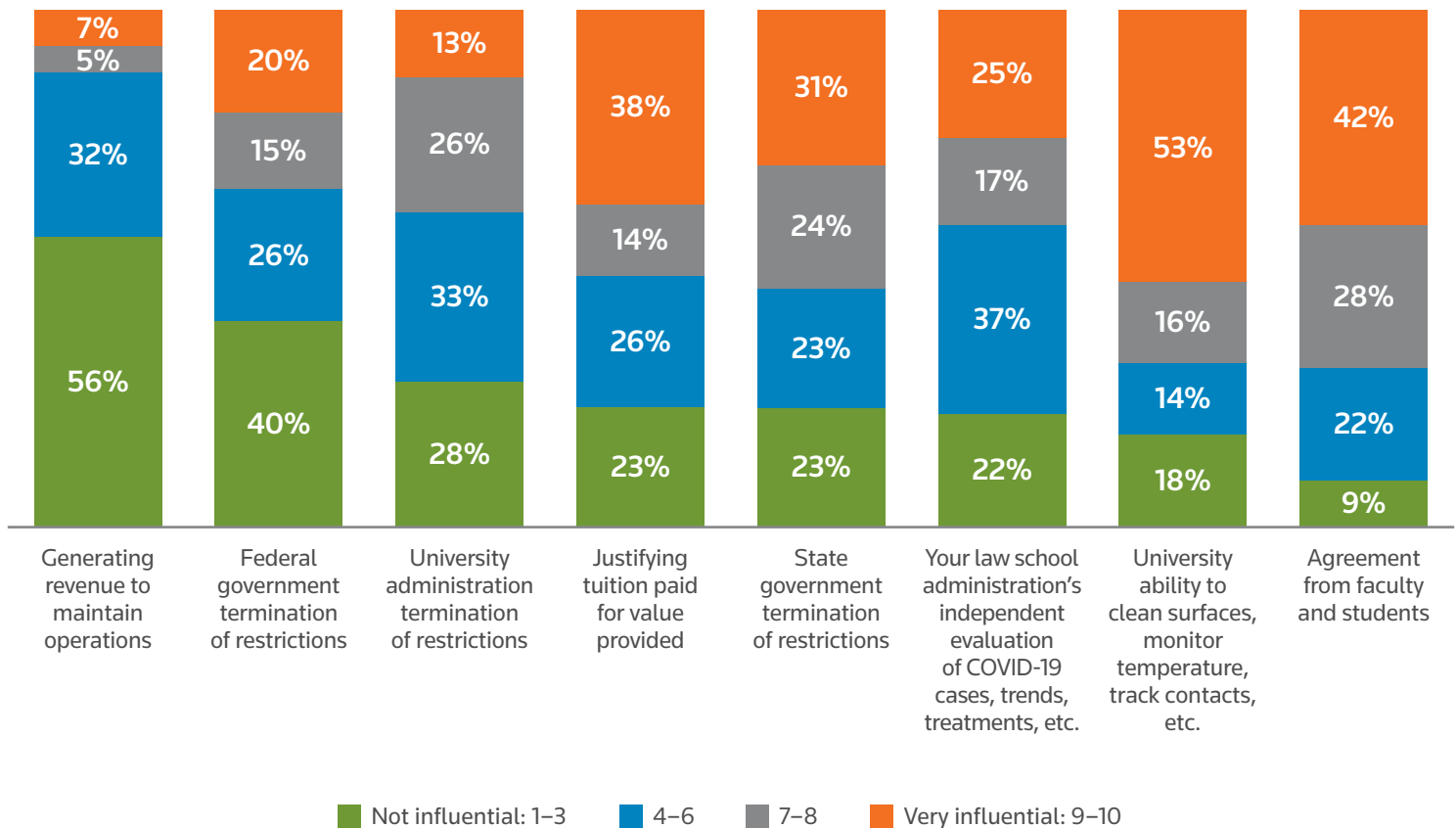


FRAGMENTED EXPECTATIONS FOR A RETURN TO CAMPUS

While students, faculty, and administrators are generally aligned on the challenges of online learning, they're split regarding requirements for a return to in-person classes. Again, students and faculty are largely in agreement, while administrators tend to have a different point of view.

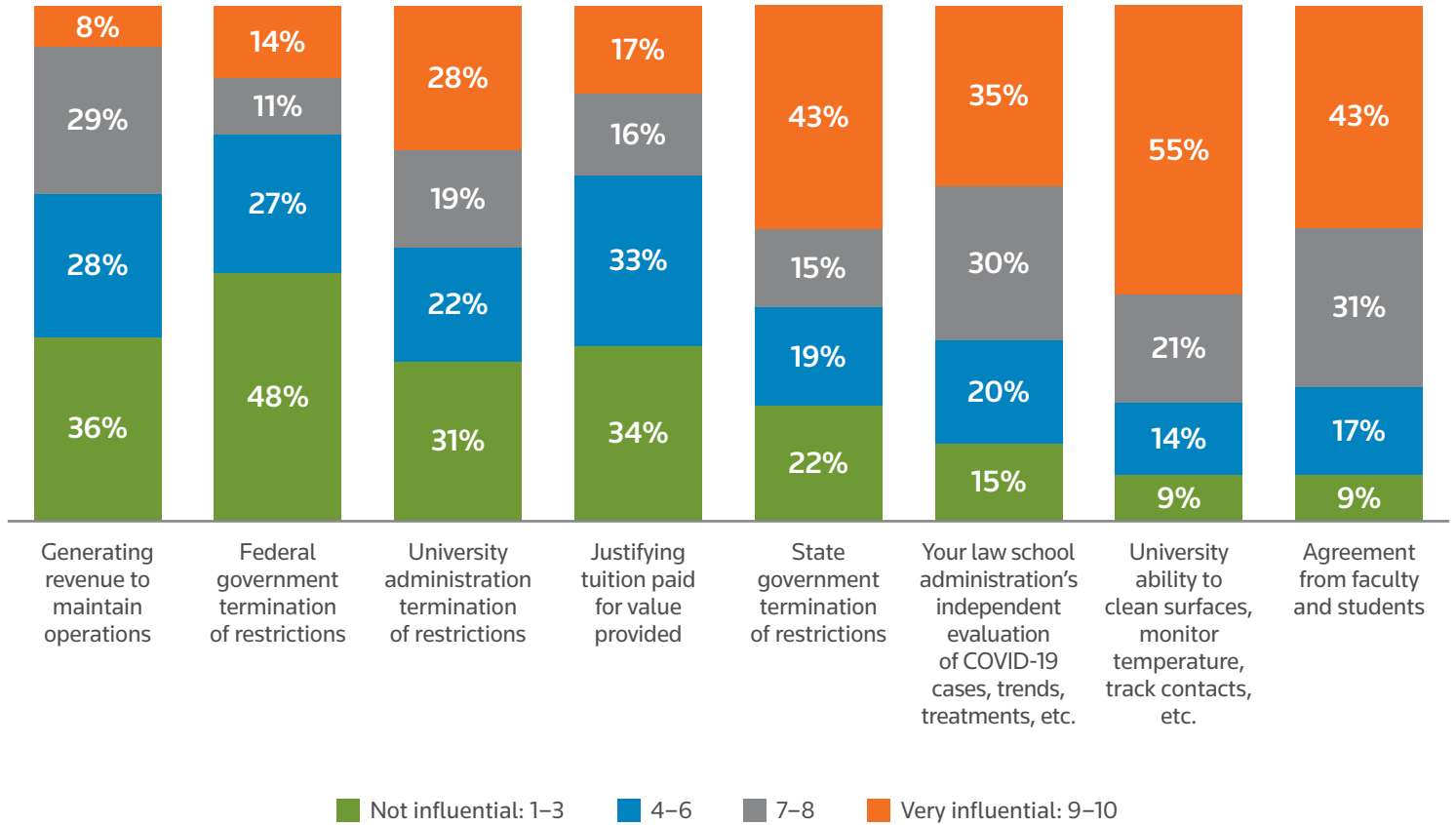
Sixty-nine percent of students and 76% of faculty say the ability to take precautions such as cleaning surfaces, taking temperatures, and contact tracing are key to a return to in-person classes – these are rated most important considerations for both groups. Agreement between faculty and students ranks second, with 70% of students and 74% of faculty saying this would be influential.

Decision Factors for Return to Normal – Students



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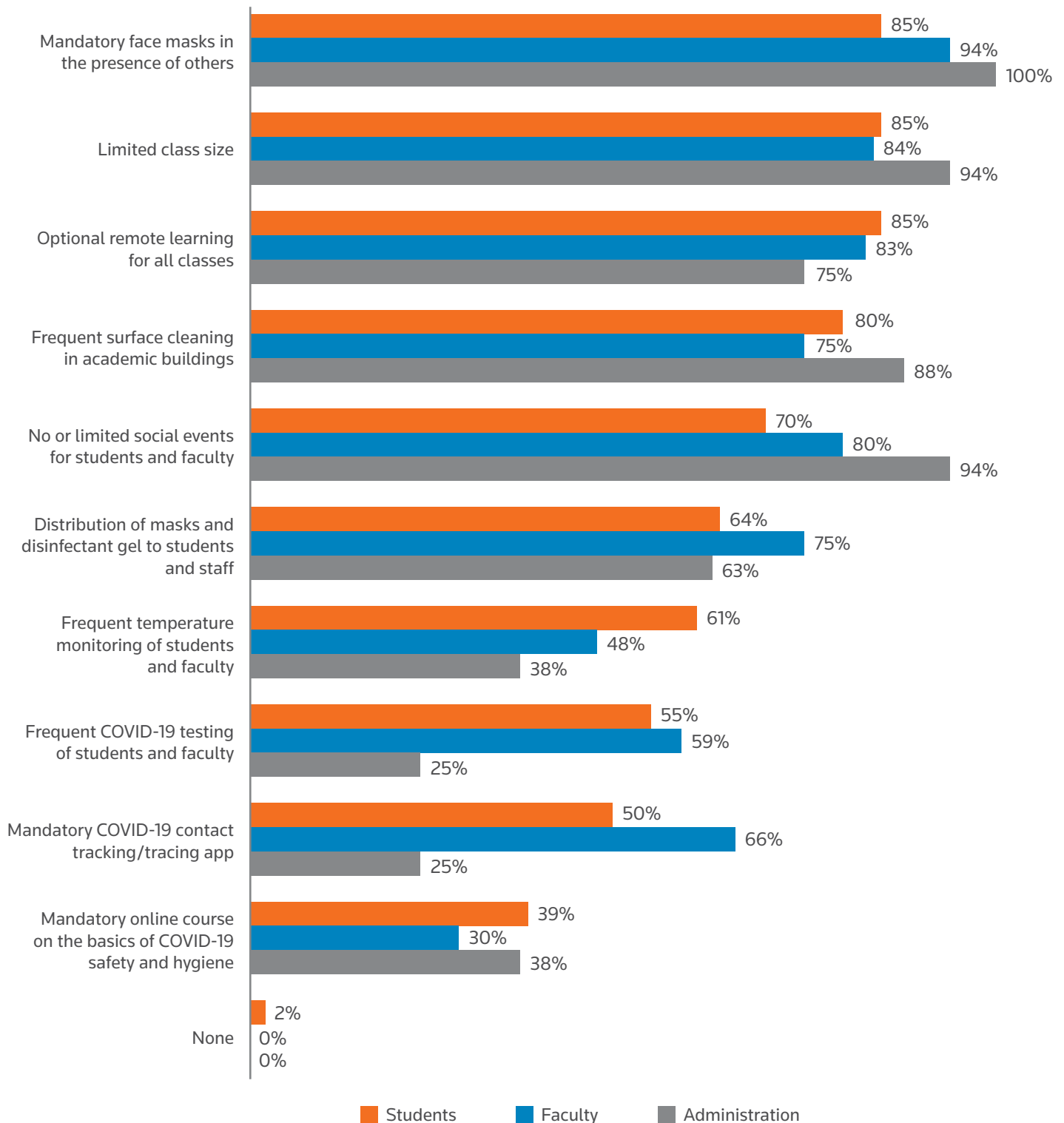
Decision Factors for Return to Normal – Faculty



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Administrators seem less enthusiastic about certain other measures. While half of students and two-thirds of faculty support the mandatory use of a COVID-19 tracking app, only 25% of administrators agree. Sixty-one percent of students and 48% of faculty support frequent temperature checks of students and faculty, but only 38% of administrators support regular temperature checks. The numbers are even more stark when it comes to testing. Some 55% of students and 59% of faculty support frequent testing, compared to just 25% of administrators.

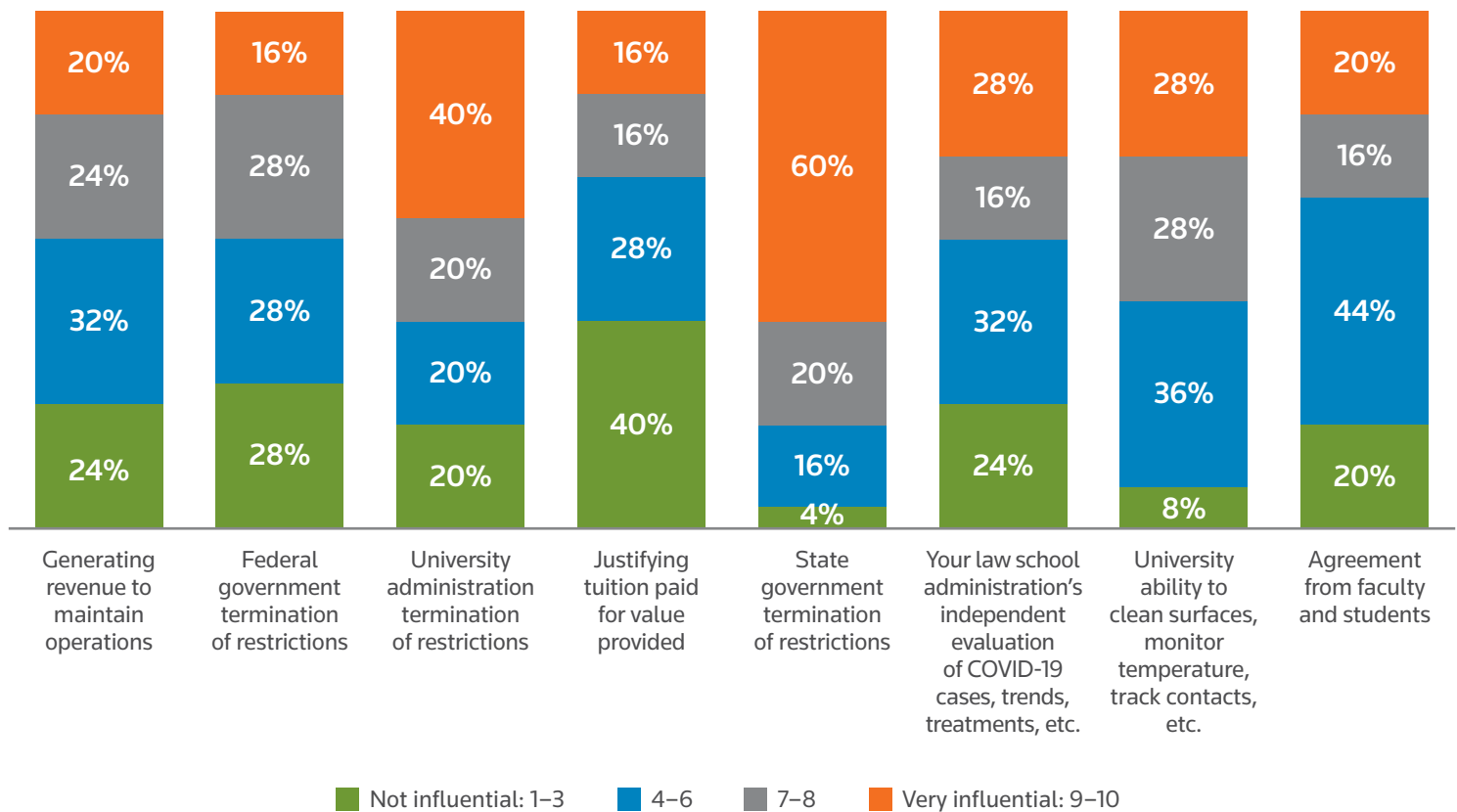
Precautions Supported/Planned



In another apparent contrast, while students and faculty may be tempted to look to school administrators for decisions as to when and how to end on-campus restrictions, administrators themselves are more likely to look to state governments and their universities for such guidance.

Eighty percent of administrators said the loosening of restrictions by state governments would be influential in their decisions regarding relaxing restrictions, and 60% would be looking to the broader university leadership.

Decision Factors for Return to Normal – Administration



BUILDING A NETWORK, VIRTUALLY

Administrators fully realize that networks are a big part of the value that law schools provide. While they're not going to allow in-person networking — 94% said there would be no or only limited social events for students or faculty — some are looking for on-campus spaces where students can study together while maintaining social distance. They're also looking to provide more opportunities for the campus community to mingle virtually. Some of their initiatives:

- Access to videoconferencing software for student organizations
- Town halls, as well as more informal events, held via Zoom
- Virtual events specifically for incoming students, so that they can get to know each other, faculty, and staff
- Online coaching on professionalism
- A new faculty mentor program to make sure that faculty regularly check in on students.

Unexpected Opportunities

The accelerated acceptance of online instruction brought by the pandemic is presenting at least three opportunities for law schools: to improve communication with students, to reconsider online learning as an opportunity, and to re-evaluate their cost structures.

THE IMPORTANCE OF COMMUNICATION

Administrators need to do a better job communicating, especially with students. “My administration has been terrible about communicating with us,” wrote one student. “Several of my peers haven’t even been able to make housing decisions yet because information has been so wishy washy.”

In the rush to offer some form of legal education, administrators were understandably focusing on one single question: Can we deliver the same education online? Most do not appear to have thought more holistically about how students get information, the differences in absorbing concepts virtually, and shifts to their syllabus to address these differences.

Because students feel they are not being properly communicated with, they are, as a result, feeling under-appreciated and undervalued. They receive regular communications from professors, but are looking to administrators to define their program and its value.

Better two-way communication would also help to address student concerns regarding their ability to have a voice in administrative decision-making. While students may not ultimately have a vote in matters such as start times or how they’re graded, they still need to feel that their voices have been heard.

Moreover, while faculty and students have to some extent bonded over the challenges brought by the pandemic, administrators have been somewhat excluded from that new-found fellowship. Out of necessity, administrators have given faculty great autonomy in how they run their online classes. But that’s created a gap in terms of process, which in turn further reinforces the need for clearer communication.

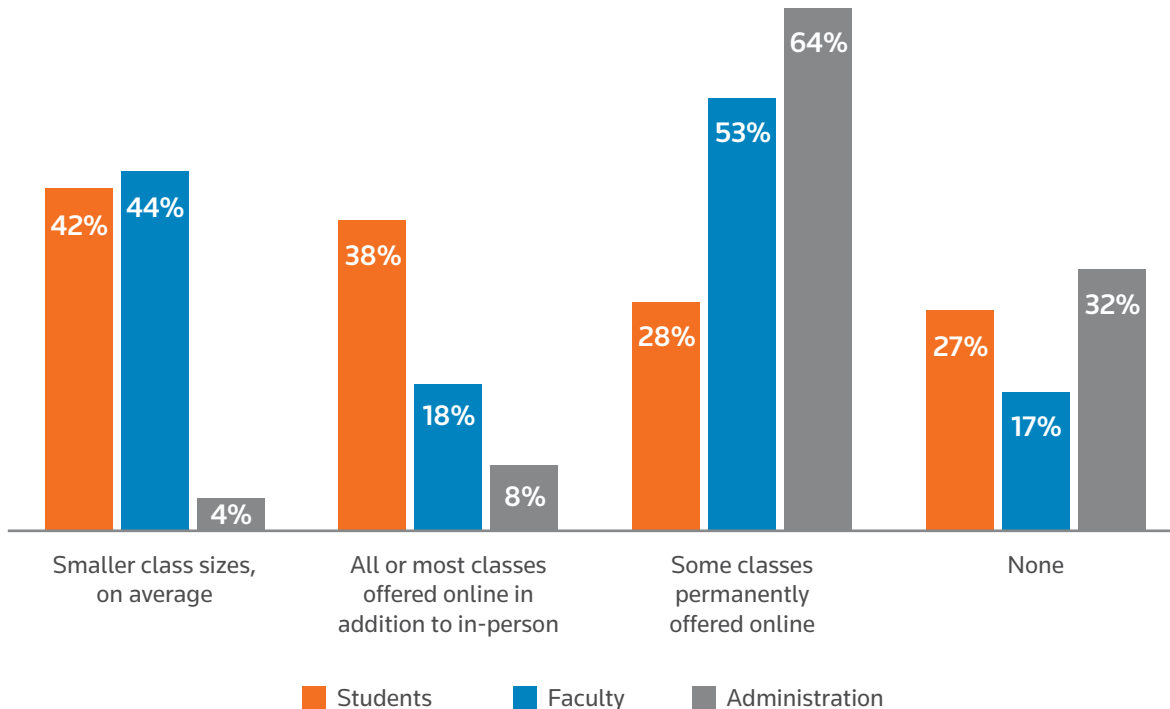
“Administrators need to do a better job communicating, especially with students.”



THE OPPORTUNITIES PROVIDED BY ONLINE LEARNING

Administrators, faculty, and students are starting to see the promise of online learning. As one professor wrote: “The move to online learning has forced us to be innovative and flexible. I hope we can build on that. There are some courses that probably work just as well, if not better, online than in person. I’d like to see the option for that survive the return to normal.”

Preferences for Permanent Changes



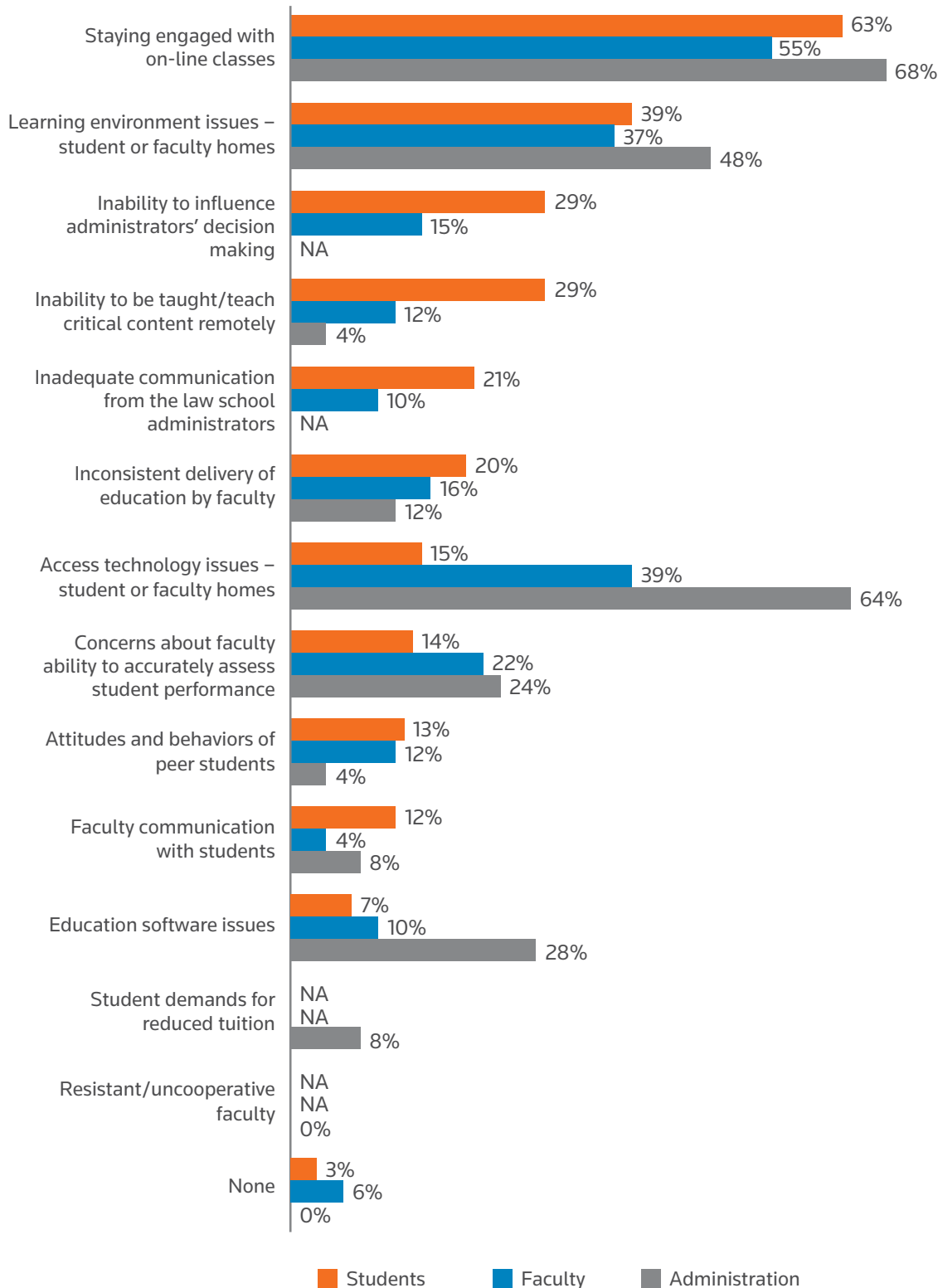
While 53% percent of faculty and 64% of administrators are open to moving some classes online permanently, only 28% of students agree. Students are more likely to want their classes offered online in addition to being offered in person. They note that the costs of commuting are real, in both time and money, and they like the flexibility offered by online classes. “I had a lot more time to focus on studies, because I was not having to constantly commute to school,” wrote one student. Another said, “My sleep improved [because I was able to do] classes online on the weekend rather than at night after work in person.”

Unfortunately, as hard as it is to offer classes online, it’s even harder — and often more expensive — to offer them both in-person and online. Administrators and faculty seem to understand this well. Only 18% of faculty and 8% of administrators are in favor of offering all or most classes online in addition to offering in-person learning.

This isn’t something law schools can simply punt on. It seems clear that at least some level of online instruction will continue in the future, and that online learning will become widespread for at least some types of classes. That changes schools’ competitive sets, especially for those that don’t draw from a national pool of prospective students. As online learning becomes more prevalent, schools that were comfortable with their levels of enrollment will now be competing in a much larger pool.

That raises an important question: If online classes are widespread, how does a school defend the value of its program, especially when schools with similar rankings may have different tuition levels? Student engagement is a huge worry across the board: When asked to name their three greatest challenges, student engagement was the problem most likely to make the list, with 63% of students, 55% of faculty, and 68% of administrators choosing it among their top three.

Greatest Challenges



Schools generally don't have a single person, or team, in charge of student engagement. That's an opportunity for administrators: both to increase the ability of students to learn, and also to differentiate their offerings and defend the value of online learning.

After this experience with online education, the value drivers for schools may look very different than they did when all classes were in-person. In a world where online classes are common, schools need to take a hard look at their current programs — not the programs they offered two years ago. The value drivers they relied upon a few years ago may no longer be relevant. It's time to reassess the differentiators and focus on the things that truly drive value.

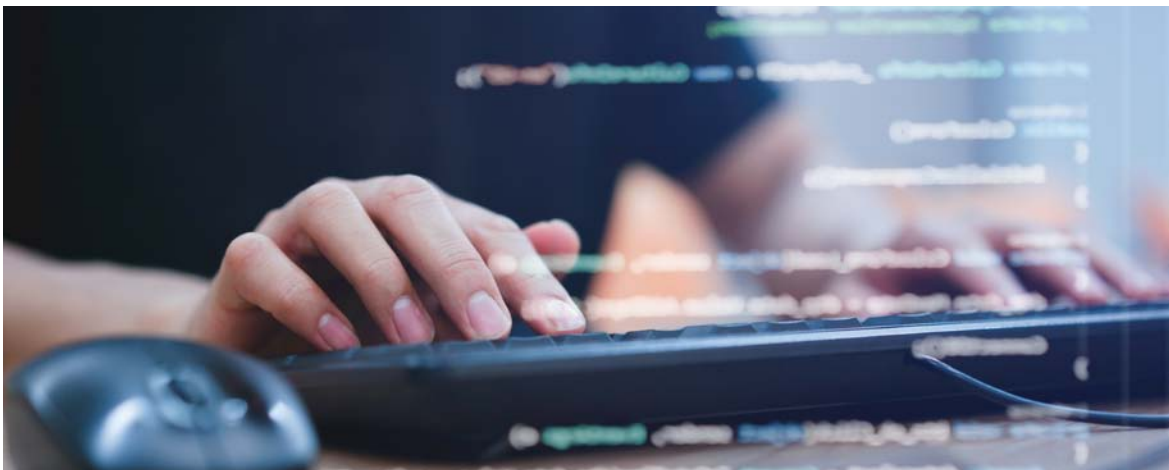
REEXAMINING COST STRUCTURES

Reimagining the delivery of legal education also offers the opportunity for schools to examine their cost structures. Online education isn't less expensive, at least at the beginning. To do it properly, teachers need to be trained and investments must be made in learning platforms and other technology. Over time, there is the chance that online learning may result in cost savings, and that fewer faculty would be needed. This, however, is a double-edged sword — one that was voiced as a concern by some professors participating in the research. "As professors create more content online, administrators will realize they can re-use this and need fewer of us," wrote one professor. The potential to save costs by employing fewer faculty may also diminish the level of scholarship in which faculty are able to engage — an important factor to consider.

At the same time, 64% of students said they wanted more emphasis on the practice of law, compared to just six percent who said they wanted more instruction in legal theory. Thirty-eight percent of faculty would also like a shift into teaching more practice and less theory. In contrast, 80% of administrators believe the balance between theory and practice is just fine. On a scale from 1 to 10, law students rated their overall quality of education an eight, on average. But the real-world application of that training was rated slightly lower, at an average of 7.5. The satisfaction with commercial and business training was lower still, at 6.3.

Over time, and aided by remote learning, students will surely vote with their feet and get the education they want. If a student is taking four courses led by four professors in their final year of law school, occupying physical space on campus, that's a very expensive education. But what if the majority of a student's education that year is with a court or law firm in their home state, with some adjuncts providing additional practical curriculum online?

There is no question that the cost of the COVID-19 pandemic has been unimaginably high. But the accompanying disruption has created real opportunities. In trying to respond to the pandemic, and in moving instruction online, law schools are making an unprecedented transition. They've learned new things about themselves, their students, and their faculty. It's now everyone's responsibility to build on those insights to provide a model of law school education that prepares law students of today and tomorrow to compete in and shape the legal market of the future.



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