



Law School in a Pandemic

Student Perspectives on Distance Learning and Lessons for the Future

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Foreword

The COVID-19 pandemic has challenged legal education in unprecedented ways. How do you deliver a law school education when congregating in buildings and classrooms is unsafe? How do you engage in law school studies under those same circumstances? And how do you prioritize either endeavor when previously mundane decisions now have life or death implications?

In March 2020, law schools were forced to undertake a sudden, chaotic and strained transition to emergency remote teaching. This report provides an in-depth look at pandemic-affected legal education, from the perspective of more than 1,700 students attending almost three-quarters of the ABA-approved law schools in the country. Their insights not only illuminate their experiences and their perceptions of the education they have received, but also provide clues for how law schools could effectively deliver distance legal education in the future.

Overall, the survey results highlight the strain law students have experienced since the transition to emergency remote learning. While the majority (59%) of surveyed students believe their law school successfully responded to the challenges created by the pandemic, less than half of students who took classes predominantly online during this period rate their education as “excellent” or “good.” Moreover, non-1L students were significantly less pleased with their education during the pandemic, compared with their pre-pandemic experiences. Only 43% deem it “excellent” or “good,” compared with 88% when asked about their pre-pandemic education.

These trends are unsurprising. Emergency remote teaching is a stopgap measure; the quality of instruction is secondary to continuity. Embedded in the data, however, are encouraging signs that the experience with emergency remote teaching could serve as more than a mere phase forced on us by the pandemic. The data offer nuanced insights about factors that contributed to positive (and negative) student experiences. Multifaceted teaching methods, easy access to support services, and opportunities to engage with classmates were strongly associated with positive distance learning experiences.

Notably, students at law schools ranked in the lowest tiers by *U.S. News* rate the quality of their academic experiences amid the pandemic higher than other students. The longstanding status of many of these lower-ranking schools as incubators of innovation in law education is exemplified by this trend. Also visible in the data is the value of good pedagogy and comprehensive student support, irrespective of the mode of instruction. Prior to the pandemic, there were fewer than 10 ABA-approved law schools delivering a significant portion of their J.D. curricula through distance education. The experiences of their students and graduates have contributed to an emerging knowledge base on the best practices for distance legal education. This report adds to that foundation.

The availability of distance legal education is important to ensure equal access to law education. As semblances of the old “normal” creep back into our lives, and as we continue to seek ways to address the old problems of deficient access to legal education, my hope is that we build on both the successes and the failures of these trying times and position legal education for a more inclusive future. If there is one positive outcome of this experience, it should be a greater appreciation for what talented, determined and resilient people can accomplish together.

Aaron N. Taylor

Executive Director

AccessLex Institute Center for Legal Education Excellence

Executive Summary

1 The Pivot to Distance Learning

- Though just a handful of law schools offered ABA-approved hybrid J.D. programs prior to the COVID-19 pandemic, at least three-fourths of law students took most or all their courses online in the Fall 2020 (75%) and Spring 2021 (79%) semesters.
- Despite the difficult circumstances under which law schools pivoted to distance learning, most students agree that their schools successfully responded to the challenges created by the pandemic (59%) and were acting in their best interests during the crisis (58%).
- Students at lower-ranked schools (tiers three and four in *U.S. News & World Report* rankings) are most likely to agree that their school's communications regarding COVID-19-related changes have been timely, clear and informative, and that their school successfully responded to pandemic-related challenges.

2 The Emergency Remote Classroom

- Students report that, in some areas, teaching methods differed little between online and in-person settings, though online courses were less likely to rely on the Socratic method and somewhat more likely to make use of written assignments, quizzes and online discussions.
- Student engagement was also similar across modes: 45% of students learning mostly or completely online strongly agree their professors used teaching methods that engaged them, compared with 49% of students learning mostly or completely in person.
- Students who rate their online classes as "excellent" are most likely to report their courses included a broader range of activities and that faculty used a variety of methods to engage and evaluate students, such as live lectures, online discussions and written assignments. Online J.D. programs that received the highest ratings from students during the pandemic seem to successfully integrate components of both online and traditional approaches.
- First-year (1L) students are more likely than upper-division students to rate the quality of their J.D. program as "excellent" or "good" — 64% vs. 43%, respectively.
- Less than half of second-year (2L) and third-year (3L) students agree online J.D. courses met their learning needs. Students who were completely online in Fall 2020 and Spring 2021, however, report similar academic performance as their partially or fully in-person peers.
- Students who completed most of their Fall 2020 and Spring 2021 law courses online are significantly less likely than those who were mostly in person to strongly agree they will graduate with the knowledge and skills necessary to pass the bar exam and succeed in their careers.

3 Support Services, Community and Extracurriculars

- Students whose classes were completely online in the Spring 2021 semester are significantly less likely to say they had easy access to academic (48%) and career advising resources (60%) than those who had at least some classes in person (70% and 72%, respectively).
- Comparing the AccessLex-Gallup study findings to 2019 data from the Law School Survey of Student Engagement suggests students were no less likely to participate in law review/law journal activities, moot court, mock trials or research projects with faculty during the pandemic than before the pandemic. They were, however, less likely to engage in pro bono or volunteer legal work, though this may be a result of fewer available opportunities due to pandemic-related restrictions.
- Less than one-third of students attending classes mostly or completely online (31%) say they felt a sense of community with their law school peers, compared with almost half of those attending classes mostly or completely in person (48%).

4 Impact of Distance Learning on Law Students' Lives

- When asked how they would rate their current lives on a zero-to-10 scale, J.D. students who do not feel their online classes have met their learning needs rate their lives substantially lower than those who agree their learning needs have been met.
- Students give mixed reports on how the switch to distance learning has affected the amount of time they have for various other activities. J.D. students are slightly more likely to say the transition to distance learning has given them more time to study and prepare for their courses (38%) than to say the shift has given them less time to do so (31%). However, they are much more likely to say the transition has increased (47%) than decreased (9%) the time they have to care for family members, highlighting a particular advantage of online courses for parents and caregivers who want to pursue a law degree.

5 Fundamentals of a Positive Distance Learning Experience

- When asked to rate their likelihood to recommend online J.D. courses to family, friends or colleagues on a zero-to-10 scale, 9% of students give ratings of “9” or “10,” classifying them as “promoters,” while 18% give ratings of “7” or “8” (those termed “passives”) and 72% give ratings of “6” or less (called “detractors”).
- Students who are part-time, first-year and at lower-ranked institutions are more likely to promote an online experience:
 - 32% of part-time students rate their likelihood to recommend online J.D. courses with a “9” or “10,” compared with 8% of full-time students.
 - Although just 11% of 1L and 2L students each rate their likelihood to recommend online courses as a “9” or “10,” they are twice as likely as 3L students (5%) to do so.
 - Students at law schools ranked in tier four (No. 147 or below in the 2021 *U.S. News* rankings) are more than twice as likely to be promoters as students in the top tier (No. 1 through No. 50) — 15% vs. 6%, respectively.
- Regression analyses reveal that students’ likelihood to promote online J.D. courses is also predicated on several key experiences. Among those who took at least half of their courses online in Spring 2021, regression analyses show the following:
 - Those who say it was “very easy” to **access their law school’s student life activities** are 3.8 times more likely to be promoters of online J.D. courses than those who do not say it was “very easy.”
 - Those who strongly agree their professors used **teaching methods that engaged them** in learning the course material are 3.5 times more likely to be promoters than those who do not strongly agree.
 - Those who strongly agree their online J.D. courses included **meaningful learning activities** are 2.8 times more likely to be promoters than those who do not strongly agree.

Introduction

When COVID-19 forced colleges and universities across the United States to send their students home and transition to a distance learning model for the duration of the Spring 2020 term, many faculty and staff had only the time afforded by an extended spring break to shift their curricula to online courses.¹ But even if these faculty were given a full two weeks to prepare, that window would have been just a fraction of the four to six months some universities suggest dedicating to the development of a fully online course — to say nothing of the impact the pandemic may have had on their personal and financial wellbeing.^{2,3}

While some undergraduate and graduate faculty were likely able to consult with internal university resources experienced in delivering online education, most law schools had a scarce curricular foundation to build upon. As of the Fall 2019 term, fewer than 10 law schools had received variances from the ABA to offer hybrid J.D. programs, allowing them to deliver parts of their curriculum in a distance learning environment.⁴ Prior to the pandemic, no ABA-approved law school offered a completely online J.D. program.⁵

While some law faculty may have had access to existing infrastructure that could house asynchronous learning materials or facilitate live online class sessions, few would have had the preparation or experience to rapidly transition their materials and instruction to a distance learning environment.



Despite the emergency nature of the experience, the pandemic did present one of the first large-scale opportunities to assess the potential of distance learning models in law schools. To quantify that impact, AccessLex partnered with Gallup to survey currently enrolled law school students on their experiences during this unprecedented period in legal education.

1 Lederman, D. (2020, March 18). *Will shift to remote teaching be boon or bane for online learning?* Inside Higher Ed. <https://www.insidehighered.com/digital-learning/article/2020/03/18/most-teaching-going-remote-will-help-or-hurt-online-learning>

2 *How long does it take to develop a fully online course?* (n.d.). State University of New York – Broome. Retrieved May 19, 2021, from <http://www3.sunybroome.edu/online/faculty-online/how-long-does-it-take-to-develop-an-online-course/#:~:text=Faculty%20who%20are%20planning%20on,to%20releasing%20it%20to%20students>

3 *What does it take to design an online course? Faculty thoughts on going online.* (n.d.). Northeastern University Center for Advancing Teaching and Learning Through Research. Retrieved May 18, 2021, from <https://learning.northeastern.edu/getting-started-with-online-course-design/>

4 Burke, L. (2019, October 2). *Faculty and Pedagogy in the Hybrid J.D.* Inside Higher Ed. <https://www.insidehighered.com/digital-learning/article/2019/10/02/how-instructors-have-shaped-curricula-two-hybrid-jd-programs>

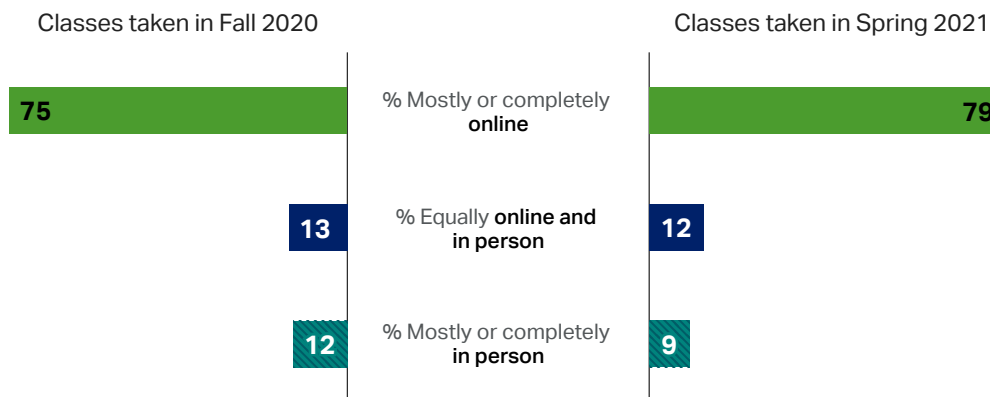
5 *A Guide to ABA Approved Distance Education.* (n.d.). American Bar Association. Retrieved June 4, 2021, from https://www.americanbar.org/groups/legal_education/resources/distance_education/

COVID-19 has forced a natural “experiment” with online J.D. courses

The AccessLex-Gallup study finds that, during the 2020 academic year (Fall 2020 and Spring 2021 semesters), about 90% of law students nationwide took at least half of their courses online, with **at least three-quarters of students in each term saying they took their courses “mostly” or “completely” online.**

CHART 1

Which of the following best describes the J.D. classes you [are currently taking/took in the Fall of 2020]?



AccessLex and Gallup used the opportunity created by this forced “experiment” to ask students about several aspects of their law school experience, including their:

- overall assessment of their program, including comparisons to their pre-COVID-19 experiences, if applicable
- schools’ responses to the COVID-19 pandemic, including communication, grading policy changes and modes of instruction
- online interactions with faculty and peers
- participation in cocurricular and extracurricular activities
- personal wellbeing and resilience during the pandemic

The data offer insights on how disruptive the sudden move to distance learning was for students. Responses among students who were in their second or third year in the fall of 2020 provide the opportunity for a direct comparison of in-person learning conditions and emergency remote teaching. Results among 1L students provide another important perspective: that of students who begin their J.D. programs with online courses and are less likely to base their perceptions on comparisons to in-person conditions.

Among all students, the survey provides an opportunity to compare the perceived quality of online courses between the Fall 2020 and Spring 2021 semesters to gauge the extent to which J.D. programs were able to adapt to the need for distance learning over the short term.

Students' experiences can inform future efforts to provide high-quality legal education online

Law students' perceptions also provide the legal education community with information about factors that help promote positive views of online courses. These include the characteristics of students who view their online experiences positively, the law schools they attend and specific experiences that may have influenced their perceptions.

Acknowledging that emergency remote teaching is not the ideal model for the potential creation of future online J.D. programs, the AccessLex-Gallup study of students' experiences during this forced experiment — particularly of those who were successful even in adverse circumstances — may nonetheless inform programs that seek to introduce or expand online offerings. Such insights can propel more intentional efforts to establish high-quality online courses, improving offerings for prospective students who may prefer an online format. This expansion also has the potential to broaden enrollment among underrepresented groups who may otherwise not be able to access a traditional law school education due to barriers, such as the burden of relocation, as well as to slow or reverse the declining trend in law school enrollment that began in 2010.^{6,7}

⁶ Weiss, D.C. (2014, December 16). *1L enrollment drops nearly 30 percent from 2010 high; when were figures last so low? ABA Journal*. https://www.abajournal.com/news/article/low_1l_enrollment_rivals_year_when_there_were_53_fewer_accredited_schools

⁷ *Statistics*. (n.d.) American Bar Association. Retrieved May 19, 2021, from https://www.americanbar.org/groups/legal_education/resources/statistics/



SECTION 1

The Pivot to Distance Learning

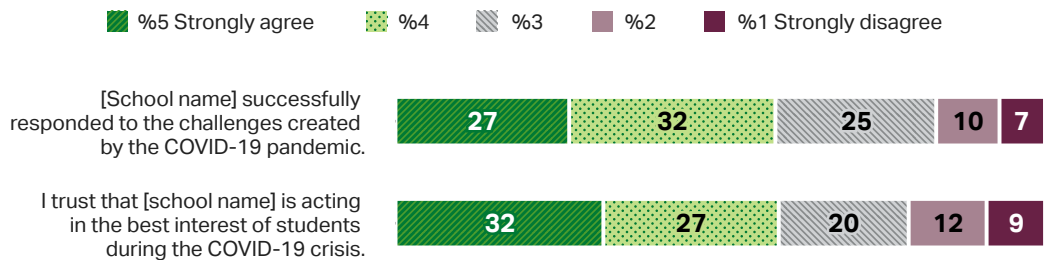
The forced and unexpected change necessitated by the pandemic produced less-than-ideal circumstances for most law schools' first forays into distance learning. Administrators scrambled to equip professors and students for as smooth of a transition as possible, while taking all necessary precautions to ensure their safety.⁸ Professors were faced with the task of quickly finding virtual methods that allowed them to effectively teach challenging curricular content in an unfamiliar format.⁹ And this sudden shift occurred amid a host of pandemic-related stressors as students and faculty also faced decisions about how best to protect themselves and their family members, care for sick loved ones, and cope with the economic consequences of the crisis. While faculty and administrators were afforded more time to prepare to teach in an online environment for the Fall 2020 and Spring 2021 semesters than in Spring 2020, there was little precedent to build upon and they were still teaching to a population of students who had not originally chosen to pursue distance learning.



Despite the difficult circumstances fostered by the pandemic, about six in 10 students strongly agree (27%) or somewhat agree (32%) their school successfully responded to the challenges created by the pandemic. A similar proportion strongly (32%) or somewhat (27%) agree their school is acting in the best interest of students during the pandemic.

CHART 2

On a five-point scale, where "5" means "strongly agree" and "1" means "strongly disagree," please rate your level of agreement with the following items.



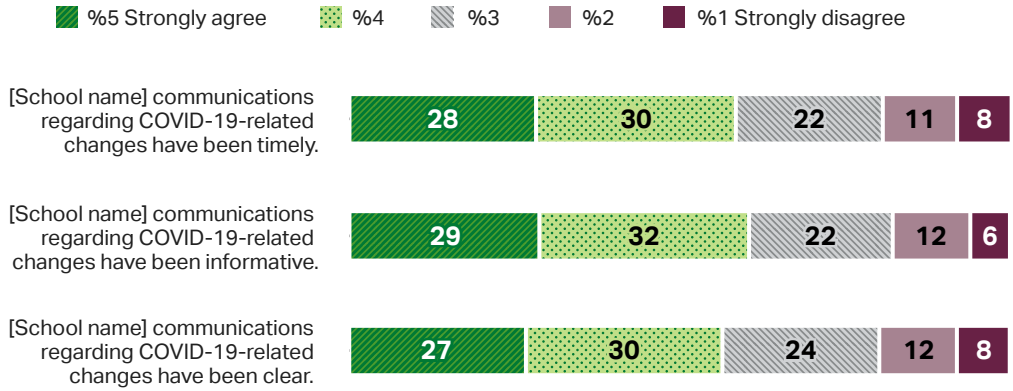
Agreement that their school successfully responded to the COVID-19 pandemic and acted in the best interest of students is more common among students in their first year (1L), who began their law school experience online.

⁸ Robert, A. & Ward, S. F. (2020, March 12). *Coronavirus and law schools: More universities shifting to online classes*. ABA Journal. <https://www.abajournal.com/news/article/coronavirus-and-law-schools-more-universities-shifting-to-online-classes>
⁹ McArdle, E. (2020, August 26). *COVID adaptation*. Harvard Law Today. <https://today.law.harvard.edu/covid-adaptation/>

Just over half of students strongly (26%) or somewhat (26%) agree their school made sure they had the technology necessary for COVID-19-related changes to their J.D. program. Close to six in 10 strongly or somewhat agree their school's communications on COVID-19-related changes have been timely (58%), clear (57%) and informative (61%).

CHART 3

On a five-point scale, where "5" means "strongly agree" and "1" means "strongly disagree," please rate your level of agreement with the following items.

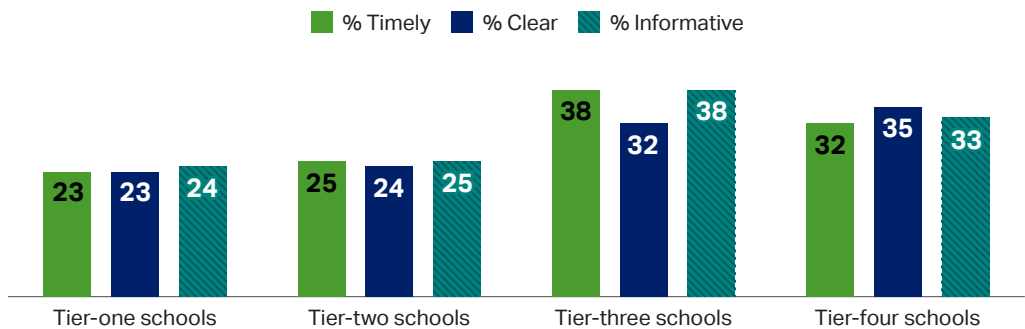


Notably, these results differ according to where students' schools fall in the influential rankings by *U.S. News & World Report*. *U.S. News* publishes these rankings annually for the 193 law schools currently accredited by the ABA, using indicators of quality assessment, selectivity and job placement success, among others.¹⁰ The rankings are divided into four similarly sized groups, designated tier one (those ranked No. 1-50) to tier four (those ranked No. 147-193).

Students enrolled at tier-three and tier-four schools are more likely than those at tier-one and tier-two schools to strongly agree their schools have provided timely, informative and clear information about changes. This finding reflects a broader pattern in which students at tier-three and tier-four schools are more positive about their experience with the transition to online classes.

CHART 4

Percentage who strongly agree their law school's communications regarding COVID-19 have been timely, clear and informative



¹⁰ Morse, R., Hines, K., Brooks, E., Vega-Rodriguez, J & Castonguay, A. (2021, March 29). *Methodology: 2022 Best Law Schools Rankings*. *U.S. News & World Report*. <https://www.usnews.com/education/best-graduate-schools/articles/law-schools-methodology>

SECTION 2

The Emergency Remote Classroom

In most cases, teaching methods vary little across course delivery modes

Following the near-universal pivot to emergency remote teaching in March 2020, the format of law courses in the 2020 academic year varied by university, but overwhelmingly continued to take place online, with 96% of students taking at least some of their Fall 2020 courses online and 98% taking courses online in Spring 2021.

Ninety-five percent of students say their school implemented at least one change to grading policies in Spring 2020.

To account for the sudden shift in format and other challenges facing law students at that time, law schools overwhelmingly opted to adjust their grading policies in Spring 2020: 95% of students say their school implemented at least one such change, including mandatory or optional pass/fail grading structures, extended withdrawal policies or the elimination of curved grading. Following that first pandemic-impacted term, the incidence of grading changes declined steeply, with just 20% of students reporting their law school made any adjustments in Fall 2020, and 11% reporting the same in Spring 2021.

In both semesters, at least three-quarters of students completed most of their courses in an online environment. However, the instructional methods their faculty used were very similar to those used by professors of students who were able to take most classes in person.



TABLE 1

Please indicate how many of your law school courses have used the following during the COVID-19 pandemic.

Percentage “all” or “most” courses

| | Mostly or completely online | Equally online and in person | Mostly or completely in person |
|---|-----------------------------|------------------------------|--------------------------------|
| Live lectures from faculty | 89% | 80% | 88% |
| The Socratic method | 51% | 56% | 66% |
| Written assignments | 40% | 32% | 27% |
| Online discussions | 36% | 30% | 18% |
| Quizzes | 23% | 17% | 14% |
| Skills-based instruction | 17% | 14% | 19% |
| Group projects or other collective work | 13% | 8% | 9% |
| Pre-recorded lectures | 8% | 5% | 8% |
| Guest lectures | 7% | 6% | 7% |



For the most part, online students’ time in the classroom closely mirrored the experiences of campus-based students.

Students who were mostly or completely online were statistically as likely as their peers learning mostly or completely in person to say that all or most of their courses included live lectures from faculty, guest lectures, skills-based instruction and group projects.

One notable exception is the use of the Socratic method, a common technique in law classes that involves asking students questions to help them think critically about legal arguments, court decisions, and hypothetical scenarios adapted from the facts and law in those cases. About half of online students (51%) say the technique was a component of most or all their courses, significantly lower than the two-thirds of in-person students (66%) who say the same. Conversely, online students are somewhat more likely than in-person students to report that their courses used written assignments, quizzes and online discussions.

These relatively modest differences do not seem to have impacted whether students felt engaged during their courses: 45% of mostly or completely online students agree their professors used teaching methods that engaged them, compared with 49% of mostly or completely in-person students. However, it does appear that using an array of approaches in online courses may improve students’ perceptions of program quality.

Law students who rate their online programs as “excellent” are most likely to say that most of their courses used each of these teaching methods. This includes methods that focus on engagement, such as online discussions and continued use of the Socratic method, as well as evaluative components, such as written assignments and quizzes.

TABLE 2

Please indicate how many of your law school courses have used the following during the COVID-19 pandemic.

Percentage “all courses” or “most courses” among students taking most or all their courses online in Fall 2020 and Spring 2021

| | Results among all online students | Results among students who rate the quality of their program during the pandemic as ... | | | |
|---|-----------------------------------|---|------|------|------|
| | | Excellent | Good | Fair | Poor |
| Live lectures from faculty | 90% | 94% | 90% | 88% | 87% |
| The Socratic method | 52% | 65% | 54% | 50% | 43% |
| Written assignments | 41% | 55% | 44% | 35% | 34% |
| Online discussions | 36% | 63% | 38% | 32% | 21% |
| Quizzes | 23% | 39% | 25% | 22% | 11% |
| Skills-based instruction | 17% | 30% | 21% | 12% | 8% |
| Group projects or other collective work | 13% | 19% | 15% | 10% | 10% |
| Pre-recorded lectures | 8% | 12% | 8% | 6% | 9% |
| Guest lectures | 7% | 11% | 8% | 6% | 7% |

Greater reliance on asynchronous learning components, such as written assignments or online discussion boards, does not seem to negatively affect students' assessments of their programs. **In fact, the most successful online programs seem to be those that successfully integrate components of online and traditional approaches.** For example, students who rated their online programs as "excellent" were two to three times more likely to say all or most of them used online discussions than those who rated their online programs as "fair" or "poor."

This desire for varied, engaging education that incorporates concrete assessments reflects another differentiating factor of students who rate their online programs as "excellent": their program continues to challenge them.

Seventy-seven percent of students who rate their online program as "excellent" also strongly agree it is intellectually challenging; among students who rate their program as less than excellent, just 27% strongly agree it is intellectually challenging.

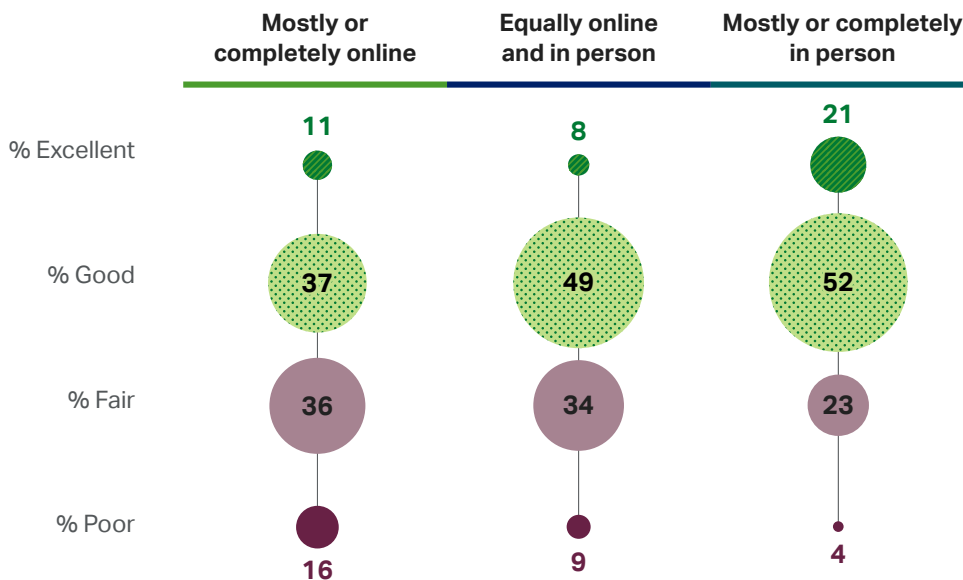
Extended exposure to distance learning, as well as lack of prior in-person experience, leads to higher ratings of online courses

While varied and engaging activities help predict students' likelihood to rate their online program as "excellent," most students who were learning predominantly online in the 2020 academic year did not have that experience. Less than half (48%) say the quality of their program during the pandemic was "excellent" or "good," compared with nearly three-quarters (73%) among students who were learning mostly or completely in person.

CHART 5

How would you rate the quality of your current J.D. program during the COVID-19 pandemic?

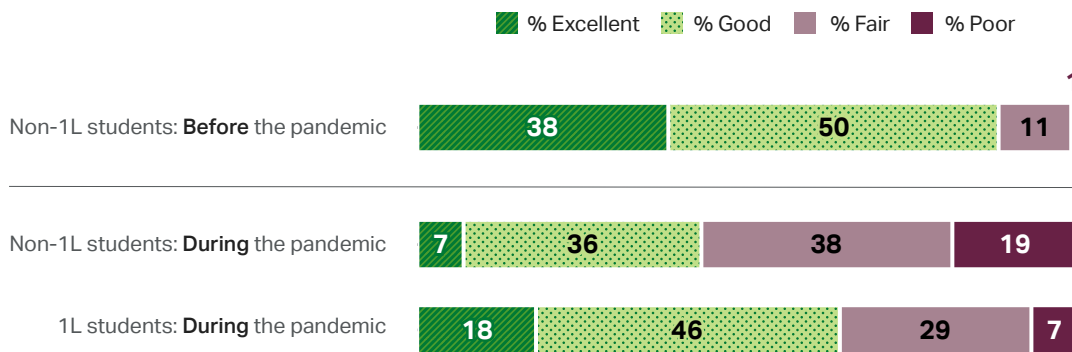
Results by Spring 2021 course format



Though there is a divide between online and in-person students' assessments of their programs, it is notable that, irrespective of format, **returning students (i.e., second- and third-year students) are significantly less satisfied with their pandemic experience than first-year students.** Among 2L and 3L students, 88% rate their pre-pandemic program as "excellent" or "good," compared with just 43% who say the same about their current pandemic experience. Meanwhile, 64% of 1L students — who have no pre-COVID-19 experience for comparison — say their current J.D. program is "excellent" or "good."

CHART 6

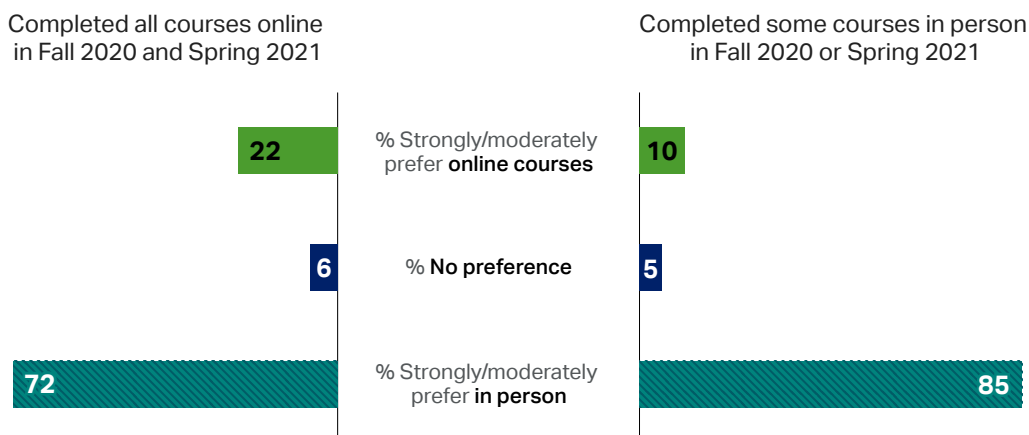
How would you rate the quality of your current J.D. program [before/during] the COVID-19 pandemic?



Moreover, there is some evidence that perceptions of online J.D. courses were higher among students who had a more consistent or prolonged experience with distance learning. Among students who completed all their courses online in Fall 2020 and Spring 2021, 21% say they prefer online to in-person courses. This is more than twice the percentage of students (10%) who reverted to in-person learning for at least some of their courses in the 2020 academic year.

CHART 7

*Which of the following best describes how you feel about online vs. in-person J.D. courses?**



*Excludes respondents who say they did not take both online and in-person J.D. courses.

Importantly, while 1L students remain the most likely to prefer online courses overall, 2L and 3L students who completed all their courses online in the 2020 academic year were also twice as likely to prefer online courses as their peers who completed some courses in person.

This finding suggests that, as law schools and faculty gain experience in conducting online classes and students become more accustomed to an unfamiliar learning environment (just 2% of non-1L students say they completed any of their pre-pandemic J.D. courses online), students develop greater appreciation for online courses.

Online students perform similarly to in-person students, but are less confident about long-term outcomes

While 38% of 2L and 3L students agree or strongly agree that distance J.D. programs met their learning needs, students who completed the entire 2020 academic year online reported similar changes in their academic performance during the pandemic as students who completed some of their courses in person.

TABLE 3

Which statement best describes the impact of the COVID-19 pandemic on your academic performance in law school?

Results among 2L and 3L students

| | Completely online in Fall 2020 and Spring 2021 | At least some courses in person in Fall 2020 or Spring 2021 |
|--|--|---|
| My academic performance has improved during the COVID-19 pandemic. | 25% | 24% |
| My academic performance has been unchanged during the COVID-19 pandemic. | 40% | 41% |
| My academic performance has declined during the COVID-19 pandemic. | 36% | 35% |



Slightly more 1L students (48%) agree or strongly agree online J.D. courses met their learning needs. This group, however, did not have a pre-pandemic academic experience to compare their performance to.

This comparison suggests that, while most law students would not agree their online law courses delivered an effective education, primarily online students were not more likely to report adverse effects on their academic performance than their in-person peers.

Still, students' perceptions that their online programs were not particularly effective — in addition to their belief that they are not receiving the same level of quality as they did prior to the pandemic — carries over to their postgraduation outlook. Students who completed most of their Fall 2020 and Spring 2021 law courses online are significantly less likely than those who were predominantly in person to strongly agree they will graduate with the knowledge and skills necessary to pass the bar exam and succeed in their careers.

CHART 8

Students who attended classes predominantly in person during the 2020 academic year are somewhat more likely than predominantly online students to be confident in the outcomes of their law studies.

I am confident that I will graduate from my J.D. program with the knowledge and skills **I need to be successful in my chosen career path.**

■ % Strongly agree ■ % Agree



I am confident that I will graduate from my J.D. program with the knowledge and skills **I need to pass the bar exam.**

■ % Strongly agree ■ % Agree



Among students who completed half or more of their courses in person during Fall 2020 and Spring 2021, 1L students are no more or less confident in their future success and bar exam passage than their upper-division peers. However, 1L students who completed most or all of their courses online during that period are significantly more confident in both metrics than similarly situated 2L and 3L students.

SECTION 3

Support Services, Community and Extracurriculars

Having at least some in-person courses significantly improves access to academic and career resources

While faculty have integrated most pre-pandemic teaching methods into the online law school environment, students say other institutional support services — such as academic and career advising resources — are less accessible in a distance learning situation, particularly for students who are still taking all their courses online in Spring 2021. Students who are on campus for at least some of their courses in the Spring 2021 term are significantly more likely than their completely online peers to say it is easy to access academic resources (70% vs. 48%), and to say it is easy to access career advising resources (72% vs. 60%).

TABLE 4

Currently, how easy or difficult is it for you to access each of the following?

Percentage “very easy” or “somewhat easy”

| | Completely online in Spring 2021 | At least some courses in person Spring 2021 |
|---|----------------------------------|---|
| Academic resources, e.g., library resources | 48% | 70% |
| Career advising resources | 60% | 72% |
| Professors | 67% | 75% |
| Student life activities | 26% | 27% |



However, the resources that online and campus-based students alike have had the most difficulty accessing during the pandemic are student life activities: About one-quarter of all students in each setting say it has been easy to access these extracurriculars over the course of the pandemic. Further, about two-thirds of 2L and 3L students (67%) say access to student life activities has decreased due to the pandemic.

Despite this perception, there is some evidence that students' likelihood to participate in several extracurricular and cocurricular activities has changed little due to COVID-19, despite the added challenges to doing so. Comparing the AccessLex-Gallup survey results with a 2019 Law School Survey of Student Engagement (LSSSE)^{11,12} report suggests students have participated in law review/law journal activities, moot court, mock trials and research projects with faculty at a similar or higher rate since the pandemic began than in 2019. The lone exception is participation in pro bono or volunteer legal work, which has fallen somewhat since the 2019 LSSSE survey; however, this is likely due, at least in part, to many of these opportunities being shut down or otherwise inaccessible during the pandemic.

TABLE 5

Participation in extracurricular activities, 2019 LSSSE data vs. 2021 AccessLex-Gallup results

| | Which of the following have you done or plan to do at your law school? | Which of the following have you participated in since the beginning of the COVID-19 pandemic? |
|---|---|--|
| | Percentage have done, 2019 | Percentage who selected each, 2021 |
| Law review/law journal | 21% | 29% |
| Moot court or mock trial | 12% | 17% |
| Pro bono or volunteer legal work | 41% | 30% |
| Faculty research assistant/work on a legal research project with a faculty member | 16% | 16% |

This suggests that, while students may have encountered difficulties participating in these activities during the COVID-19 transition period, schools and students have found ways to shift them to an online environment.

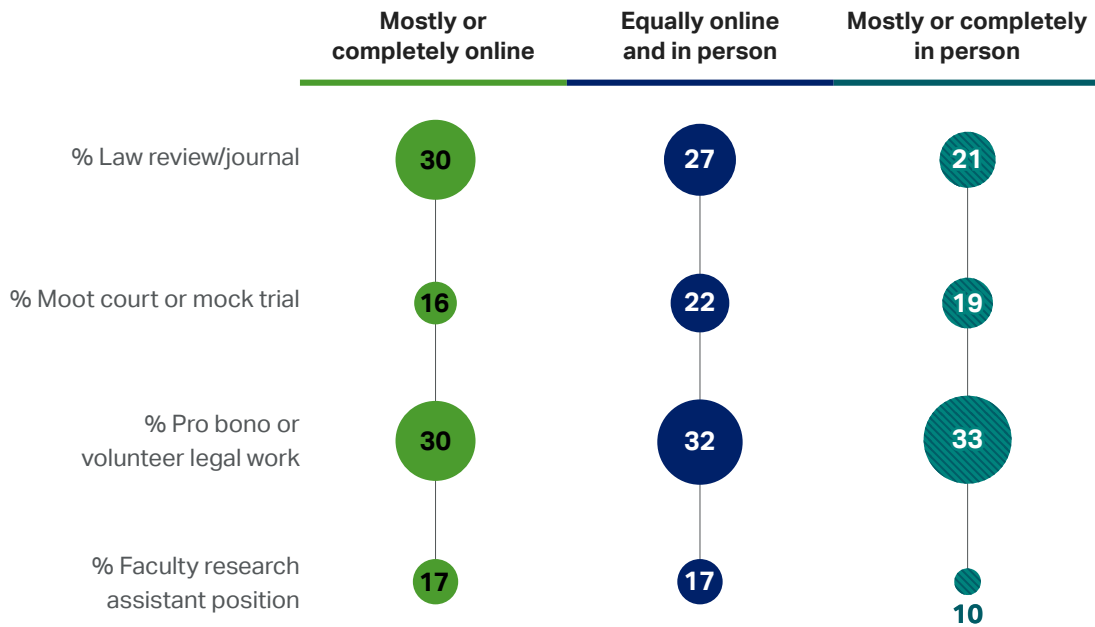
In fact, compared with students who took all or most of their courses in person during the pandemic, **students who completed all or most of their courses online are at least as likely — if not more likely — to have participated in these four extracurriculars.**

11 *The LSSSE Survey Tool 2019*. (n.d.) Law School Survey of Student Engagement. Retrieved May 4, 2021, from <https://lssse.indiana.edu/wp-content/uploads/2015/12/LSSSE-US-Survey-2019.pdf>

12 *LSSSE Public Reporting Tool*. (n.d.) Law School Survey of Student Engagement. Retrieved May 4, 2021, from <https://lssse.indiana.edu/advanis/>

CHART 9

Which of the following have you participated in since the beginning of the COVID-19 pandemic? Select all that apply.



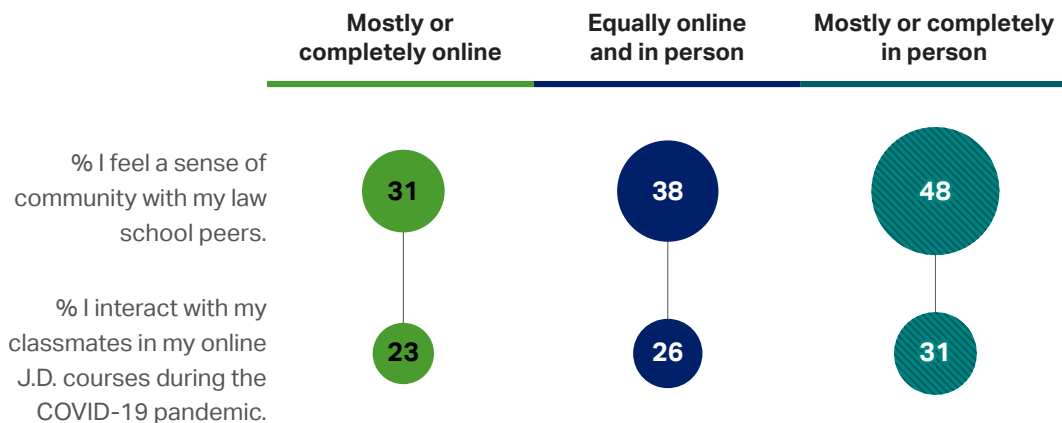
Connection to peers and community declines in online formats

Overall, about one-third of J.D. students (34%) say they feel a sense of community with their law school peers. However, this percentage rises to almost half (48%) among the relatively low proportion of students who completed all or most of their courses in person, and to 38% among those with an even mix of online and in-person classes.

CHART 10

J.D. students' interactions with law school peers, by course format during the 2020 academic year

Percentage "strongly agree" or "somewhat agree" with each statement



Unlike other metrics that have improved over the course of the pandemic, students who spent most of their pandemic-era courses online are also less likely than their primarily-in-person peers to say they interacted with their classmates in online courses. This may be a reflection of some students' in-person relationships with peers translating to online courses, promoting greater interactions in those venues.

The experience of 1L students in these areas does indicate that, when virtual interactions are the only option available, law students will adapt and forge relationships with their classmates about as easily as students who have some degree of in-person interaction.

Despite having never set foot on their law school's campus, 1L students who have completed all their first-year courses online are about as likely as those who have completed some of their courses on campus to say they feel as if they belong at their law school and have a sense of community with their peers.

TABLE 6

First-year law students' sense of community, by the 2020 academic year course format

Percentage "strongly agree" or "somewhat agree" with each statement

| | Completely online in Fall 2020 and Spring 2021 | Completed some courses in person in Fall 2020 or Spring 2021 |
|---|---|---|
| I feel a sense of community with my law school peers. | 42% | 44% |
| I feel as if I belong at [school name]. | 53% | 55% |



SECTION 4

Impact of Distance Learning on Law Students' Lives

J.D. students' life ratings are related to their perceptions that online courses have met their needs

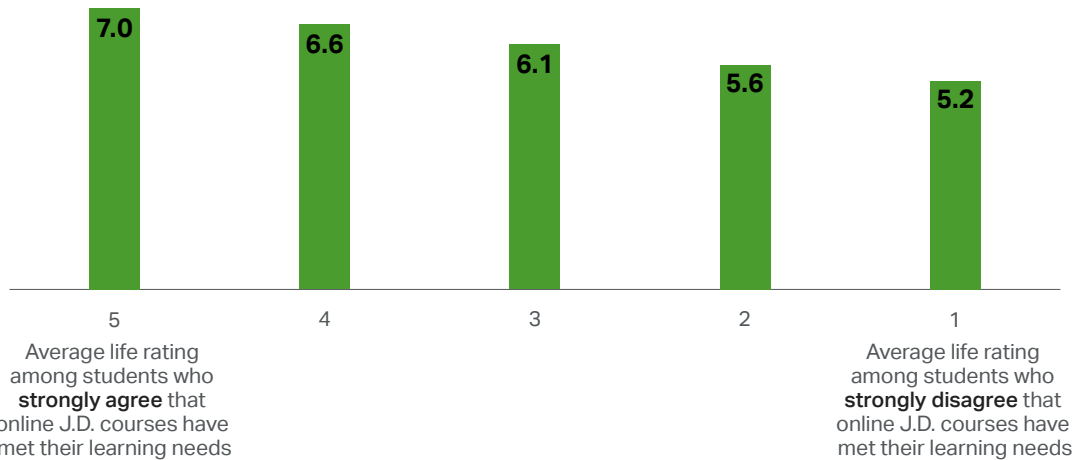
Law school is a stressful undertaking, and likely more so when students do not feel the factors that determine their success are entirely within their control. Such anxiety may help explain the relationship between students' optimism about their online J.D. experiences and their average ratings on a life evaluation measure commonly used in Gallup surveys.

The measure asks students to rate their lives on a "ladder" scale where zero represents the worst possible life and 10 represents the best possible life. The average rating among all J.D. students is 6.3 — but this figure varies substantially by their level of agreement with, "My online J.D. experience during the COVID-19 pandemic has met my learning needs." Students who strongly agree their needs have been met give an average life rating of 7.0, vs. an average of 5.2 among those who strongly disagree.

CHART 11

Students' life evaluation, by their belief that online courses have met their learning needs

Rating scale: 0 = worst possible life to 10 = best possible life



While Gallup research finds that Americans' life evaluations during the pandemic reached the lowest levels recorded since the 2008 recession, law students' evaluations of their current lives are particularly low. A nationally representative Gallup survey conducted February 15-21, 2021 — about one week prior to the launch of the AccessLex-Gallup survey — found that 63% of Americans rated their current lives as a "7" or higher.¹³ Among currently enrolled law students, this percentage is just 46%.

¹³ Witters, D. & Agrawal, S. (2021, March 11). *In U.S., life ratings climb to 16-month high*. Gallup.com. <https://news.gallup.com/poll/335621/life-ratings-climb-month-high.aspx>

Conversely, 78% of law students believe their lives will be an “8” or higher in five years — about 10 percentage points higher than the national average (69%).¹⁴

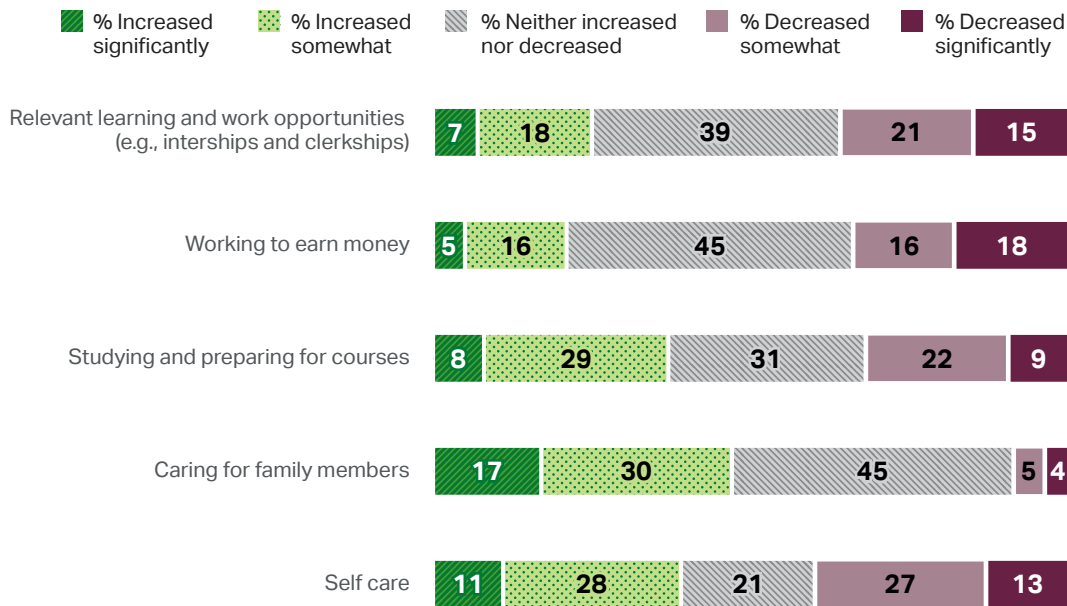
While law students have acutely felt the impact of the pandemic, they are still more likely to believe they will persevere and lead thriving lives in the future.

For specific indicators of how the switch to distance learning affected students’ lives, the survey asked students how the transition affected the amount of time they had for a range of other activities. The overall results are mixed; for example:

- **38%** of students say the time they have to study and prepare for courses has increased significantly or somewhat, while **31%** say it has decreased.
- **25%** say the time they have for learning and work opportunities (such as internships and clerkships) has increased, while **36%** say it has decreased.

CHART 12

How has transitioning to online courses during the COVID-19 pandemic affected the amount of time you have for ...



The results for one item were more conclusive: Students are much more likely to say the time they have to care for family members has increased with the transition to online courses (47%) than to say it has decreased (9%). This finding speaks to the advantage of convenience offered by distance learning for parents and caregivers who want to pursue a law degree. Students with children are much less likely than those without children to be “detractors” of online J.D. courses when asked whether they would recommend such courses to others.

¹⁴ Witters, D. & Agrawal, S. (2021, March 11). *In U.S., life ratings climb to 16-month high*. Gallup.com. <https://news.gallup.com/poll/335621/life-ratings-climb-month-high.aspx>

SECTION 5

Fundamentals of a Positive Distance Learning Experience

In the context of the pandemic, most did not feel the emergency transition to distance learning compared favorably to their in-person courses. When asked how likely they were on a scale of zero to 10 to recommend online J.D. courses, just 9% respond with a “9” or “10” — the standard commonly used to characterize product or service users as “promoters.” Eighteen percent give ratings of “7” or “8,” suggesting a “passive” attitude toward online courses, while 72% give ratings of “6” or less, classifying them as “detractors.”

However, part-time students, 1L students and students at lower-ranked institutions are more likely to promote an online experience:

- **32% of part-time students** rate their likelihood to recommend online J.D. courses at a “9” or “10,” compared with **8% of full-time students**.
- 1L (11%) and 2L (11%) students are **twice as likely** as 3Ls (5%) to give ratings of “9” or “10.”
- **Students at law schools ranked in tier four** (No. 147 or below in the 2021 *U.S. News* rankings) are **more than twice as likely to be promoters as students in the top tier** (No. 1-50) — 15% vs. 6%, respectively. They are also considerably less likely to be detractors, 59% vs. 81%.

TABLE 7




On a scale of zero to 10 where “0” means you are not at all likely and “10” means you are extremely likely, how likely is it that you would recommend online J.D. courses to family, friends or colleagues?

| | All J.D. students | Students at tier-one schools | Students at tier-two schools | Students at tier-three schools | Students at tier-four schools |
|--------------------------|-------------------|------------------------------|------------------------------|--------------------------------|-------------------------------|
| “9” or “10” (promoters) | 9% | 6% | 9% | 10% | 15% |
| “7” or “8” (passives) | 18% | 13% | 20% | 18% | 26% |
| “6” or less (detractors) | 72% | 81% | 71% | 72% | 59% |

While there are demographic differences between students in the promoter, passive and detractor categories, regression analyses show most of these characteristics — including students' gender, race and whether or not they are first-generation college students — do not inherently make students more or less likely to recommend online J.D. courses.

There are two main demographic exceptions: those who are enrolled part-time and those with children under 18. Though the latter are not more likely to be promoters of online courses, they are less likely to be detractors; about half of students with children (49%) rate their likelihood to recommend online courses at "6" or lower, versus about three-fourths (74%) of those without children. The difference suggests students with children may be more likely to view the losses associated with distance learning as an acceptable trade-off for their added convenience.

Students' likelihood to promote online J.D. courses is predicated less on their demographic characteristics than on several key experiences. Among students who were taking at least half of their courses online in Spring 2021:

-  **Those who say it was "very easy" to access their law school's student life activities** are 3.8 times more likely to be promoters of online J.D. courses than those who do not say it was "very easy."
-  **Those who strongly agree their professors used teaching methods that engaged them** in learning the course material are 3.5 times more likely to be promoters than those who do not strongly agree.
-  **Those who strongly agree their online J.D. courses included meaningful learning activities** were 2.8 times more likely to be promoters than those who do not strongly agree.

In addition, students who strongly agree they preferred to work independently, interacted with their classmates in online classes, and were intellectually challenged by their online programs are all about twice as likely to recommend online J.D. courses as those who did not strongly agree with those items. Not surprisingly, the segments of law students most likely to recommend online J.D. courses are also the most likely to strongly agree they were having these key experiences.

Implications

At first glance, J.D. students' overall assessments of their online courses — as reflected in overarching metrics, such as overall quality ratings and likelihood to recommend the experience — are not positive. This may be of little surprise, given the circumstances that necessitated the pivot to distance learning. Interpretation of the results should be informed by an understanding that the transition to distance learning was not something J.D. students anticipated or asked for, and many worried that important aspects of their educational experience — for which many had invested heavily — had been lost.

In fact, we might expect the COVID-19 pandemic to represent a worst-case scenario for online J.D. assessments, given that:

- The emergency pivot allowed for little or no advance planning.
- Almost no law schools had prior experience with online courses.
- The change was forced upon all students, rather than targeted to those most likely to benefit from or prefer this mode.
- The pandemic produced other restrictions and sources of stress that would have made the lives of law school faculty, administrators and students harder, even without the additional burden of the switch to distance learning.

However, students' views on specific aspects of the experience point to significant successes. The pivot to online learning was, by most accounts, smooth from an administrative and technological standpoint,¹⁵ and most students acknowledge their law schools had successfully responded to the pandemic's challenges and were acting in their best interests during the crisis.

Moreover, some groups of students view their online courses in a more positive light than others. One of the most notable differences is between 1L and higher-level students. Students who began their law school experience in a distance learning situation are more positive about the online learning environment, suggesting they are less likely to feel something they once had is now missing. Evaluations among higher-level students may be significantly influenced by loss aversion bias, the psychological principle that the pain of losses is felt more acutely than the pleasure of gains.¹⁶

This finding is important to the extent that 1L students are the best analog for future, incoming online law students, many of whom would likely be opting into the experience from the start.

15 Stetz, M. (2020, August 31). *How online education has come to the rescue*. The National Jurist. <https://www.nationaljurist.com/national-jurist-magazine/how-online-education-has-come-rescue>

16 Kahneman, D., & Tversky, A. (1979). Prospect theory: An analysis of decision under risk. *Econometrica*, 47, 263-291.

There is something to be said for a 2L or 3L student assessing distance learning in comparison with their previous, on-the-ground experience; however, it may also be difficult to decouple feelings, like those of disappointment or that something has been taken away, from the true value of distance learning.

Students at lower-ranked law schools — particularly those in tier four of the *U.S. News* rankings — tend to view their online courses more positively than students at higher-ranked schools. These schools tend to have more diverse student populations,¹⁷ and may therefore have been more innovative or better prepared to adapt to meet the needs of different types of students under challenging circumstances. This is reflected in their students' increased likelihood to agree their professors were engaging them and their online courses still included meaningful learning activities.

Based on their students' assessments of their pandemic education, tier-four institutions may have the best foundation for building online J.D. programs in the future.

To some extent, these differences may also reflect higher expectations and a greater sense of loss from not interacting with professors and attending campus events among students at more prestigious schools.

The AccessLex-Gallup findings also suggest that, if law schools can provide students with online or hybrid in-person/online arrangements that broaden students' learning experiences and leverage the advantage of both formats, perceptions of online courses may improve. Future research on the topic should include qualitative work that identifies the individual schools and professors that are most successful at engaging law students online and studies their approaches to arrive at a set of potential best practices for online or hybrid J.D. programs.

¹⁷ Kuris, G. (2020, June 8). *What underrepresented law school applicants should know*. U.S. News & World Report. <https://www.usnews.com/education/blogs/law-admissions-lowdown/articles/what-underrepresented-law-school-applicants-should-know>

Methodology

Results for this AccessLex-Gallup study are from web-based surveys conducted February 25-March 24, 2021, with a sample of 1,739 currently enrolled J.D. students living in the United States. For results based on the total sample of J.D. students, the margin of sampling error is ± 2.7 percentage points at the 95% confidence level. Margins of sampling error include computed design effects for weighting.

Gallup used AccessLex's MAX program participants as the sample frame for this survey. The list included 27,000 law students, representing approximately one-quarter of the U.S. law student population. The sample included students from 147 of 204 U.S. law schools accredited by the American Bar Association.

Gallup stratified students by region (five Census regions) and randomly selected a sample proportional to the geographic distribution of U.S. law school students. The 4,802 students selected were invited to participate in the survey via email.