

The
COVID CRISIS
in Legal Education

2021 ANNUAL SURVEY RESULTS

The Law School Survey of Student Engagement (LSSSE) is part of Indiana University's Center for Postsecondary Research (CPR), a research center in the School of Education devoted to studying the student experience. In addition to LSSSE, CPR houses the National Survey of Student Engagement (NSSE) and the NSSE Institute, the Faculty Survey of Student Engagement (FSSE), and the Beginning College Survey of Student Engagement (BCSSE).

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MEERA E. DEO, JACQUELYN PETZOLD,
AND CHAD CHRISTENSEN, LSSSE 2021
ANNUAL REPORT: THE COVID CRISIS IN
LEGAL EDUCATION (2021).

Foreword

Every LSSSE Annual Report has included a Foreword, penned by a respected author with unique insights on legal education and the chosen topic. This year, with a Report emphasizing how students have been managing the pressures of COVID, we directly highlight the voices of students by presenting select comments from participants in the LSSSE survey. Here, the students speak for themselves.

“The chance to see fellow students provides for social opportunities, and connections between student and teacher sprout more often when you can visit their office or talk with them in the hallway after class.”

“It felt like the entire experience was less engaging.”

“Most professors have done an amazing job in dealing with COVID and transitioning to hybrid learning.”

“I found it very difficult to concentrate during online classes.”

“We are all really struggling right now with balancing mental health during a pandemic with the academic pressures of a law school environment.”

“I really feel like professors and support staff truly went out of their way to ensure student success.”

“It’s hard to focus on the coursework when facing eviction, along with other bills.”

“We are exhausted, and we need more financial assistance/resources for mental health.”

“Please help us.”

“It is extremely difficult to form meaningful relationships with other students when we are all remote.”

“Stress is incredibly high, motivation is incredibly low.”

“Most of us are struggling – financially, physically, emotionally.”

“There is something about being at home, wearing sweatpants and a nice shirt, and sitting in front of the camera that makes everything not seem very real.”

“I really, really, really, really, really miss the networking and connection provided by the formal institutional environment of the law school.”

“Starting law school in a pure online environment has been extremely challenging and isolating.”

“The single biggest stressor I have had all through law school, including in the pandemic, is the amount of cash I have on hand.”

“As 3Ls, we have spent literally half of our law school experience online.”

“We are all experiencing the trauma of the pandemic, but some of us can afford more robust safety nets to deal with that trauma in the moment.”

“I have truly had a wonderful experience, despite the unique circumstances presented by Coronavirus.”

“Professors were absolutely amazing and truly care about the subject they teach and students.”

“We try our best, but life over Zoom is pretty agonizing.”

Director's Message

MEERA E DEO, JD, PHD
DIRECTOR, LSSSE



It was difficult for me to write this Annual Report. All of us in legal education have experienced myriad challenges this past year. We have been coping with COVID—health scares, personal losses, community harms, and the many other ways in which the pandemic touched on virtually every aspect of our lives. Most of us were teaching and learning online for the first time, mastering unfamiliar technology, re-designing courses, and navigating new pedagogical approaches. We endured significant racial and political upheaval including the aftermath of George Floyd's murder and the trial of his killers, increasing hate crimes against Asian Americans, a fraught election season, and a capitol insurrection.

These external events created substantial effects on legal education. **Patterns emerging from the LSSSE data show that while the core of legal education remained relatively constant, important intangibles fell to the wayside.** The data also reveal the

suffering of our students. Although I have been conducting empirical research on legal education with a focus on law students for almost two decades, I was shocked when I first reviewed our LSSSE data. More than one-quarter (29%) of law students had increased concerns about eviction and housing loss. Almost two-thirds (63%) were more worried this past year about their ability to pay their bills, including even higher percentages of women and students of color. Perhaps most troubling, food insecurity affected over forty percent of our students and a deeply disturbing one-half (50%) of our students of color. Law students also reported elevated levels of loneliness, depression, and anxiety. Given the need to focus their attention on basic survival, it is no surprise that students engaged in fewer meaningful interactions with professors and classmates. Almost every student surveyed (95%) reported that COVID-19 interfered with their ability to succeed as a student. And yet, with remarkable optimism, the vast

majority (78%) of students rated their overall educational experience as “good” or even “excellent,” maintaining the high levels of satisfaction that have characterized legal education in years past.

What does this signal for the future of legal education? We know that these challenges extend far beyond students. In my own *Pandemic Effects on Legal Academia* research, I have documented barriers facing law faculty due to COVID, with a focus on the most vulnerable professors—especially those who are untenured, women, caregivers, or people of color.¹ Clearly obstacles exist as well for administrators, staff, and every person affiliated with legal education and the legal profession. **The data have exposed fissures that existed pre-COVID but have been exacerbated due to the pandemic.** Now it is up to us to take to heart the data we have collected and analyzed. How can we make real change, the actual improvements that our students desperately need? This is the challenge we face ahead.

¹ Meera E. Deo, *Investigating Pandemic Effects on Legal Academia*, 89 Fordham L. Rev. 2467 (2021).

Introduction

This past year has tested legal education. COVID-19 swept in changes we had never seen before. In the midst of the global pandemic, law students also managed an abrupt switch to online learning. This LSSSE Annual Report reveals that while the core of legal education remains relatively unchanged, the “intangibles” of law school learning were certainly affected in 2020-2021. Above all, the data show unequivocally that our students have been in crisis. Students have struggled to meet their basic needs, with troubling percentages reporting increased worries about housing, financial instability, and even food insecurity. While most made efforts to build relationships with faculty, staff, and classmates, their overall quality of life declined along with opportunities for academic engagement and professional development. This past year, students were more likely than in years past to be lonely, anxious, emotionally exhausted, and depressed. Together, challenges associated with COVID represent significant ongoing barriers to law school success that faculty, staff, and administrators must understand in order to help students move beyond.



Quick Facts

PARTICIPATING LAW SCHOOLS

The 2021 LSSSE Survey collected responses from over 13,000 law students at 61 law schools in Spring 2021. The law schools participating in LSSSE closely resemble ABA-approved law schools overall in terms of enrollment size and affiliation (public/private).

MODULES

This Annual Report also features results from two new LSSSE Modules. In 2021, a total of 1,521 students from eight law schools participated in the *Coping with COVID* module and 3,450 law students from twenty law schools participated in the *Experiences with Online Learning* module.

OBJECTIVES

LSSSE provides data to law schools to improve legal education and inform decision-making and compliance efforts, enhance student success, facilitate internal assessment and analysis, and support research on legal education.

SURVEY

The LSSSE survey is administered online to all students at participating law schools. Each participating student takes approximately 15-20 minutes to complete the survey.

AUDIENCE

LSSSE's audience includes law school administrators and faculty, current and prospective law students, alumni, advisory boards, trustees, institutional researchers, accrediting organizations, and researchers studying legal education.

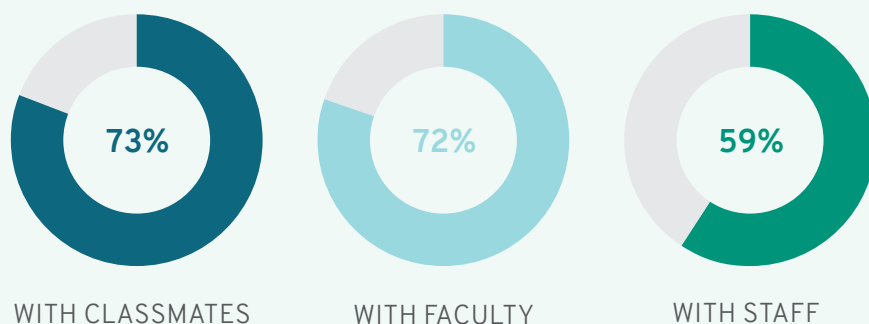
DATA SOURCES

LSSSE data include survey responses and comments from JD and LLM students enrolled at participating law schools.

The Big Picture

In the midst of a challenging year, some positives emerge from the data. Overall satisfaction remained high throughout legal education as well as comparable to years past. A full 78% of students in 2021 rated their entire educational experience in law school as “good” or “excellent,” which is similar to rates from recent years (82% in 2018, and 81% in 2019 and 2020). This is a testament to the significant efforts of faculty, staff, and administrators who pivoted to meet student needs as well as to the resiliency of the students themselves. Nevertheless, the ability to forge and foster relationships has been especially difficult during the pandemic and is borne out in the data. The percentage of students reporting positive relationships with staff dropped from 68% in 2018 to 59% in 2021—the lowest percentage recorded since LSSSE began collecting data on student-staff interactions in 2004. During those same years, positive student relationships with faculty and fellow students dropped just slightly from 76% to 72% and 76% to 73%, respectively. A full 93% of students appreciated that their law professors showed “care and concern for students” as the pandemic raged around them. First-year students were less likely to report positive relationships than 2Ls and 3Ls—likely because upper-class students could build on foundations they had cemented pre-COVID while 1Ls were attempting to start relationships from scratch in the midst of the pandemic. Unsurprisingly, there were significant increases in technology use.

Positive law school relationships



Higher percentages of students frequently used email to communicate with faculty. Predictably, commute times dropped significantly (only 45% of students spent over 1 hour per week commuting to class in 2021, compared to 93% in 2018) and the ability for technology to often contribute to “knowledge, skills, and personal development” jumped from 40% to 52%.

The core of legal education remains relatively unchanged. Every year from 2018 to 2021, 85% of students have acknowledged that their schools contributed “quite a bit” or “very much” to their ability to acquire a broad legal education. There were also minimal changes this year compared to years past with regard to students developing legal research skills (80-83%) and learning effectively on their own (81-82%).

Satisfaction with law school, by Year



Technology contributed to knowledge, skills, and personal development, by Year



Yet the intangibles of legal education were significantly affected by COVID-19, with potential negative consequences on the professional competency of these future lawyers. A full 90% of students noted that COVID interfered with their ability to participate in special learning opportunities, including study abroad, internships, and other field placements. While discussions about course assignments and faculty feedback on academic performance remained constant, just one-third (33%) of all law students found frequent occasions to talk with faculty members or other advisors about career plans or the job search process (down from 40% in 2018), and only 19% frequently discussed ideas from readings or classes with faculty members outside of class (down from 25% in 2018). There were also fewer opportunities for students to work with faculty members on activities other than coursework.

The data reveal similar findings regarding interactions between students, including declines in opportunities to engage in the intangible skills necessary to succeed as a lawyer. Slightly higher percentages of students in 2021 compared to years past “frequently worked with other students on projects during class,” and roughly the same percentage worked together “outside of class to prepare class assignments”—highlighting the widespread usage of online technology to facilitate meetings, breakout rooms, and remote learning. However, those interactions omitted the rich and meaningful conversations we generally associate with close law student relationships based on in-person learning and association. As LSSE data confirm, “The pandemic has not allowed

Frequently discussed career plans or job search activities with a faculty member or advisor, by Year



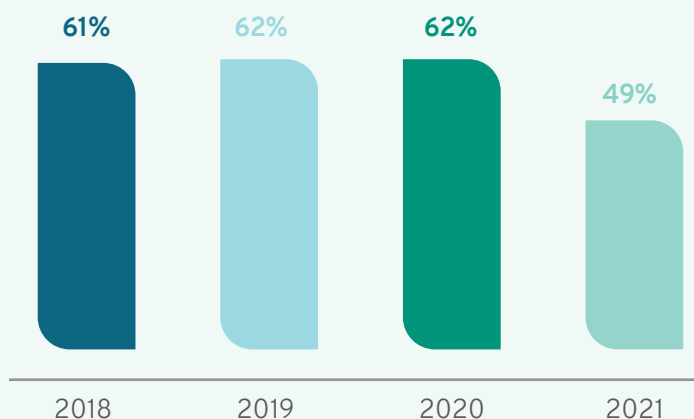
Frequently discussed ideas from readings or classes with faculty members outside of class, by Year



for random hallway conversations, lunchtime gossip sessions, late-night debates, and many other forms of peer-to-peer interactions that deepen learning outside the classroom and help shape students’ personal and professional outlook.”¹ Only half of law students had opportunities for frequent “serious conversations” with students from different racial or ethnic backgrounds (50%) or with those who share different “religious beliefs, political opinions, or personal values” (49%), compared to 62-63% and 61-62%, respectively, in recent years. This drop signals a significant missed opportunity that could have long-lasting repercussions in terms of students’ ability to interact meaningfully with people from diverse backgrounds, as will be expected and desired in their future practice.²

In addition to the intangible losses, COVID also deepened ongoing disparities and inequities in legal education, as it did in society more generally. Student populations that were especially vulnerable pre-pandemic faced even greater challenges over the past year. The crisis has been perhaps most critical when considering basic necessities, though every level of Maslow’s hierarchy of needs has been affected—from the essentials of food, rest, physical safety, and financial security to the desire for belonging, appreciation, and ultimately achieving one’s full potential.³

Frequently had serious conversations with students with different religious beliefs, political opinions, or personal values, by Year



- 1 Heather K. Gerken, *Will Legal Education Change Post-2020?*, 119 Mich. L. Rev. 1059, 1062 (2021).
- 2 Chad Christensen, *Preparing Law Students to be Successful Lawyers*, 62(2) J. of Legal Educ. 502, 509-20 (2020).
- 3 Abraham H. Maslow, *A Theory of Human Motivation*, 50 Psychological Review 370 (1943).

Prioritizing Basic Needs

In 2021, many students struggled to meet their basic needs. In their responses to the LSSSE survey module *Coping with COVID*, 43% of all law students reported increased concern about having enough food due to COVID-19.⁴ This already troubling finding about students as a whole masks significant racial disparities with food insecurity: over half of all Black (55%), Latinx (57%), and Asian American (52%) students acknowledged that the past year brought increased concerns about whether they had enough food to eat.⁵

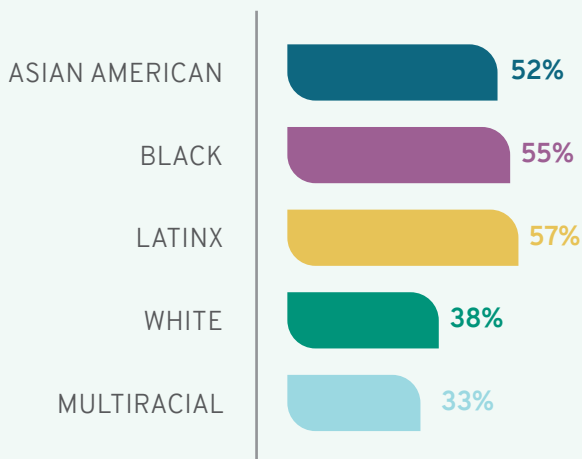
Eviction is another sphere of crisis, one that dozens of law deans have recognized as upending people across the country, and which LSSSE data show affects law students as well.⁶ Over one-quarter (29%) of law students felt greater concern about losing housing this past year due to repercussions of the pandemic. Again, there were major differences based on race, with 37% of Black students, 36% of Latinx students, and 33% of Asian Americans managing increased worries of eviction, compared to 25% of White students.

4 Throughout the Report, “increase” combines the responses “very little,” “some,” “quite a bit,” and “very much.”

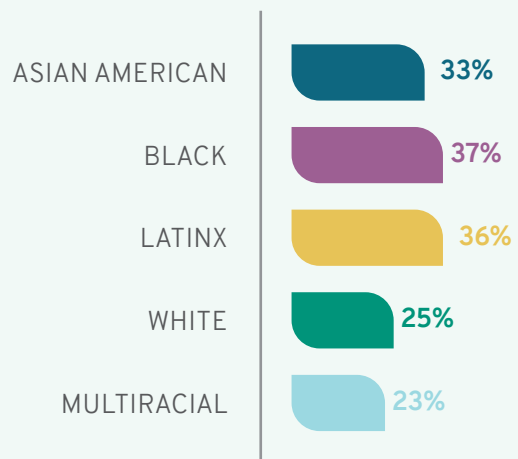
5 While data from Native American students are in line with other students of color, their small sample size in the *Coping with COVID* module prevents presenting disaggregated findings.

6 Statement of Law School Deans in Support of the Attorney General’s Call to the Legal Community, available at <https://gould.usc.edu/ckfinder/userfiles/files/Law%20Deans%20Statement%20on%20Evictions%20Crisis.pdf>.

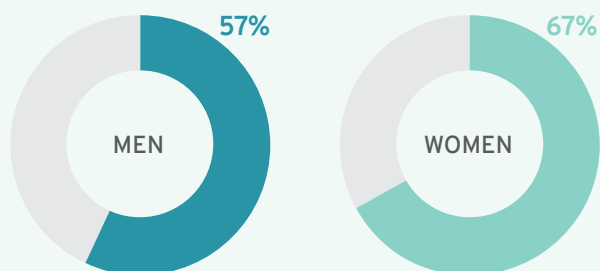
Increased concern about having enough food, by Race



Increased concern about losing housing, by Race

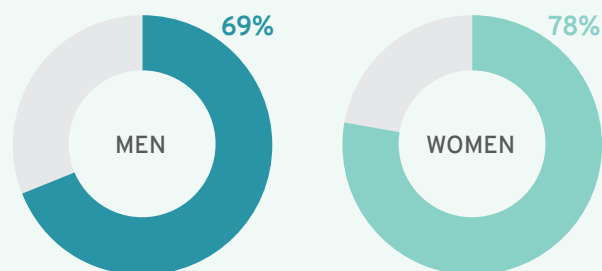


Increased concern about ability to pay bills, by Gender



Financial concerns weighed heavily on students' minds. Almost two-thirds (63%) of all student respondents had increased concerns about their ability to pay their bills, with both gender and race-based disparities increasing challenges for already vulnerable populations.⁷ For instance, among those who had elevated concerns about their financial security were 71% of Latinx students, 68% of Black students, 67% of multiracial students, and 64% of Asian Americans, compared to 60% of White students. Additionally, while over half of the men (57%) worried that the pandemic would affect their ability to pay their bills, over two-thirds of the women respondents (67%) faced similar financial uncertainty; a full 14% of women students reported that their financial

Decline in physical health, by Gender



fears had increased “very much,” compared to only 6% of men reporting that same high level of concern.

Perhaps unsurprisingly, given elevated attention to satisfying basic needs like food, shelter, and financial security, as well as the realities of the pandemic, 75% of all law student respondents also reported increased concerns about their own health and safety, while 84% were also more worried about the health and safety of friends or family. A full 75% reported a decline in their own physical health over the past year, though men fared better in this regard: two-thirds (69%) of all men surveyed noted a decline in their physical health compared to over three-quarters (78%) of women law students.

⁷ While LSSSE collects data on students who are “another gender identity,” those data are not presented here due to their small sample size in these particular modules. Their data are included in all aggregate findings.

Increased concern about ability to pay bills, by Race



Declining Quality of Life

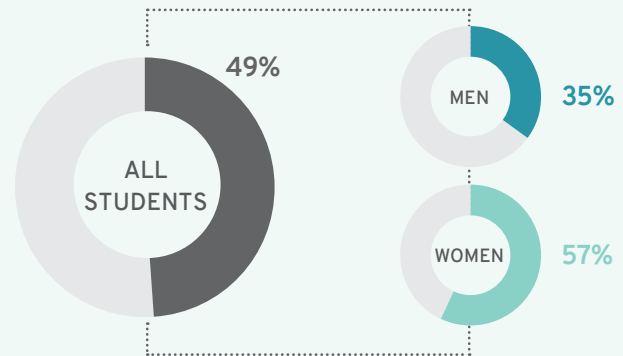
After essentials including food and shelter are taken care of, people can turn their attention to improving the overall quality of their lives—building friendships, prioritizing their mental health, and finding ways to connect with others. This is another area where we see a downturn for law students during the course of the pandemic. The overwhelming majority of law students (91%) reported that the COVID-19 pandemic resulted in at least “some” increase in mental or emotional exhaustion; a full 49% noted that it did so “very much.” While 9% of men reported no increases in mental or emotional exhaustion, only 2% of women agreed; conversely, over half (57%) of women reported “very much” mental or emotional exhaustion, compared to only one-third (35%) of men.

Students also were lonely during the past year. Over two-thirds (69%) reported at least “some” increase in loneliness due to the pandemic, with almost half of all law students (45%) facing significant increases in loneliness. While a full one-quarter of White students (25%) reported that their loneliness quotient increased “very much” due to COVID, even higher percentages of Black (28%) and Latinx (38%) students reported the same. Gender also played a role as 86% of women faced increased loneliness during the course of the pandemic, compared to 78% of men.

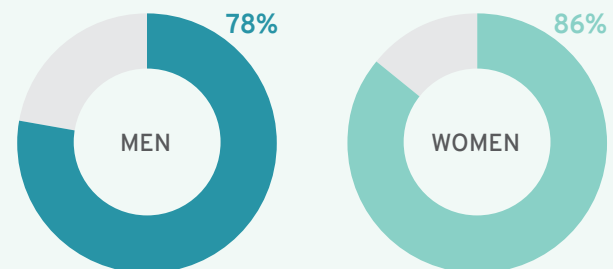
Interestingly, there were increases in loneliness in spite of more time spent with family—as the quality of those interactions likely suffered due to COVID. A full 42% of students spent significant time caring for dependents and others during COVID than before the pandemic, including roughly half (48%) of all women compared with one-third (34%) of men.⁸

⁸ All reporting of “significant increases” combine data from the highest two response options.

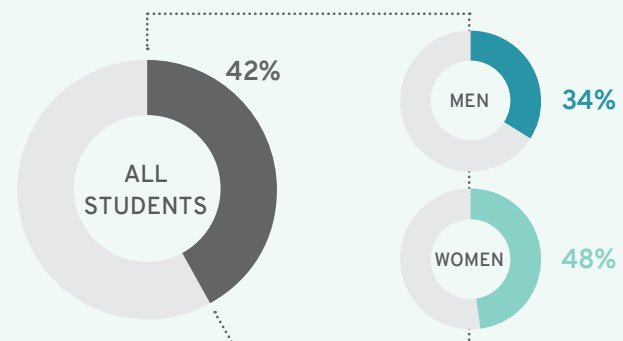
Mental or emotional exhaustion increased very much, by Gender



Increased loneliness, by Gender



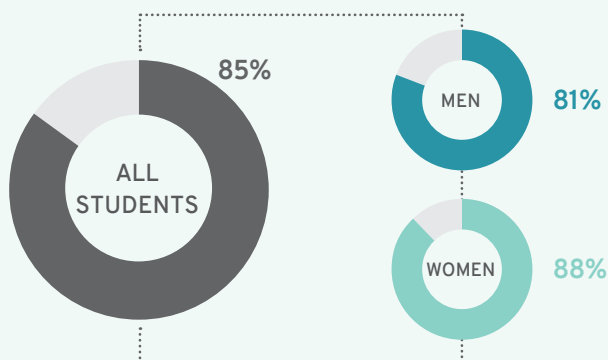
Significant increase in time spent caring for others, by Gender



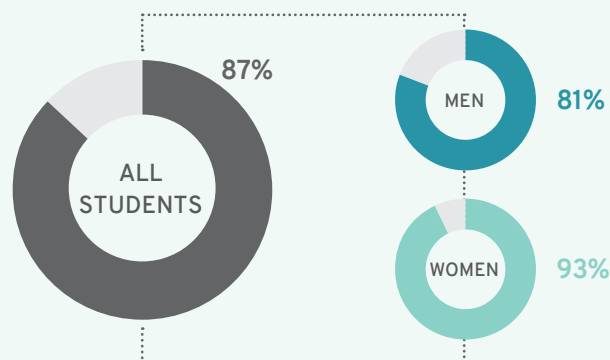
The vast majority of law students (85%) reported that they suffered through depression that interfered with their daily functioning this past year, including over one-quarter (27%) who felt this acutely. Similarly, the overwhelming majority (87%) managed anxiety that interfered with their daily functioning, including one-

third (32%) who reported that it did so “very much.” Gender disparities persisted on both accounts, with roughly one-third of women reporting that depression (31%) or anxiety (39%) interfered “very much” with their daily functioning, as compared to significantly lower percentages of men (19% and 21%, respectively).

Increased depression that interfered with daily functioning, by Gender



Increased anxiety that interfered with daily functioning, by Gender



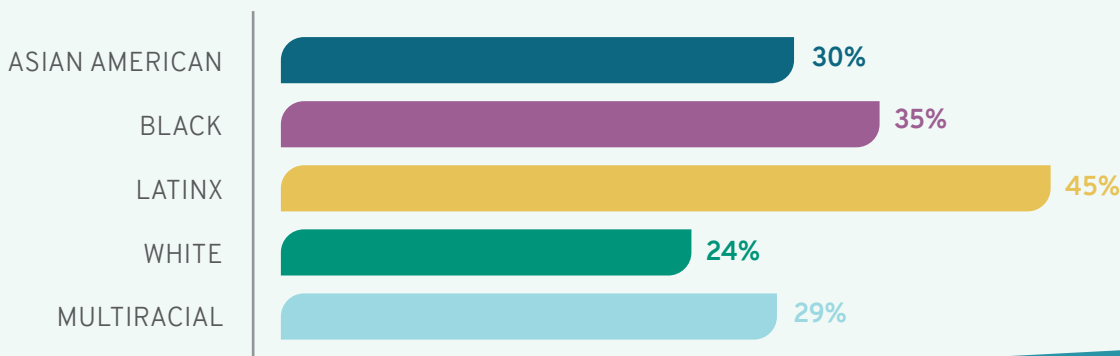
Barriers to Law School Success

At the top of Maslow’s hierarchy of needs is “self-actualization,” which refers to the opportunity and ability to fully realize one’s goals, “to become everything one is capable of becoming.”⁹ Law schools prioritize creating conditions favorable for student success, knowing that doing so will maximize opportunities for positive academic and professional outcomes. However, for the many students struggling to meet their basic needs, achieving law school success proved more difficult than ever.

Over half of all law student respondents (52%) noted that COVID-19 interfered with their “ability to pay for law school and living expenses.” Disaggregating by race as well as raceXgender reveals additional disparities at the extremes. While almost one-quarter (24%) of White law students worried “quite a bit” or “very much” about their ability to pay for law school and living expenses, higher percentages of students of color were plagued by these anxieties at the highest levels—including 30% of Asian American students, 35% of Black students, and a shocking 45% of Latinx students.

9 Abraham H. Maslow, *Motivation and Personality*, 64 (3rd ed., 1987).

COVID interfered significantly with ability to pay for law school and living expenses, by Race



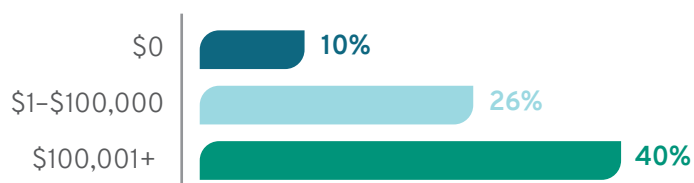
COVID interfered very much with ability to pay for law school and living expenses, by First-Gen Status



Conversely, over half of White students (53%) said paying for law school troubled them “very little” or “not at all.” In most cases, women carried greater financial burdens than men from their same racial/ethnic backgrounds. For instance, considerably lower percentages of multiracial men (21%) and Black men (25%) noted that COVID-19 interfered with their ability to pay for law school and living expenses, compared to 35% of multiracial women and 39% of Black women. Those least affected by financial strain were White men, 27% of whom responded that COVID-19 did not interfere at all with their ability to pay for law school or living expenses; in contrast, roughly that same percentage of Latinas (28%) said their finances were “very much” affected by the pandemic.

Beyond these race and gender disparities, disaggregating the data by other background characteristics also reveals disturbing findings. First-gen students were deeply concerned about their ability to pay for law school and living expenses, including almost one-quarter (21%) who expressed “very much”

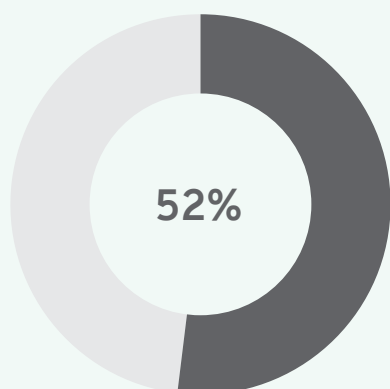
COVID interfered significantly with ability to pay for law school and living expenses, by Debt



concern, compared to just 11% of students who have at least one parent with a college degree. Debt burdens also correlate with concerns about paying for law school and living expenses. Only 10% of students who expect to graduate debt-free noted that COVID interfered “quite a bit” or “very much” with their ability to pay for law school and living expenses, compared to 26% of those owing up to \$100,000 and a whopping 40% of those graduating with over \$100,000 in educational loans.

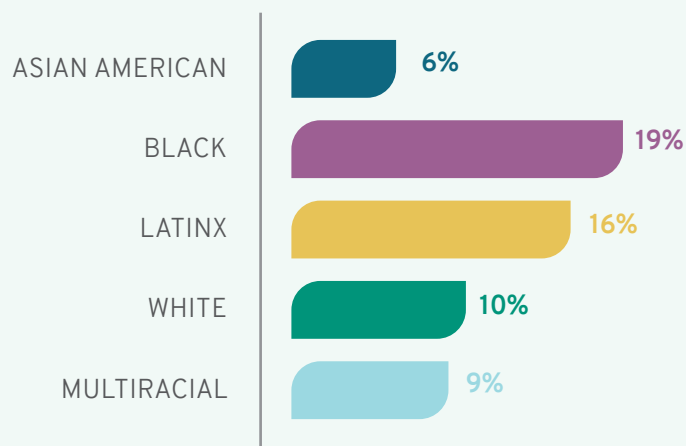
It is no surprise that so many students were worried about their finances, especially given that the pandemic removed opportunities for paid work. Over half (52%) of all students surveyed noted that they spent “less” or “much less” time during the pandemic compared to before working for pay. In spite of ongoing challenges, significantly higher percentages of Black (19%) and Latinx (16%) students somehow found ways to work “more” or even “much more” during COVID, compared to smaller percentages of their White (10%), multiracial (9%) and Asian American (6%) classmates.

Worked less or much less during COVID



ALL STUDENTS

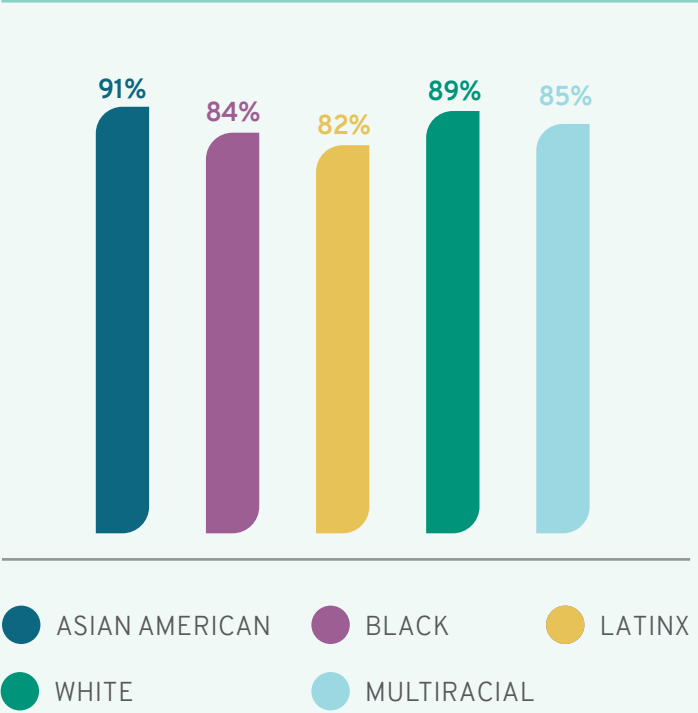
Worked more or much more during COVID, by Race



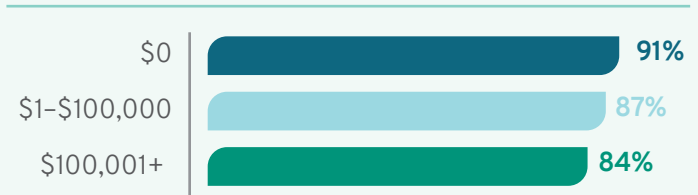
Because of the pivot online from in-person learning, accessing the classroom created unique challenges for students. The vast majority of students “agreed” or “strongly agreed” that they had sufficient internet service, including availability, speed, and reliability, (87%) as well as physical space (82%) to participate in online courses over the past year. While it is clearly a net positive that so many students had sufficient resources to manage joining online classes, 13% of students could not fully rely on their internet connection to participate in online learning over the 2020-2021 year while 18% lacked the physical space necessary to learn remotely. These inequities are not distributed equally. While a majority of Black (84%) and Latinx (82%) students had access to reliable internet for class,

their statistics lagged behind those of Whites (89%) and Asian Americans (91%). Even more troubling, almost one-in-five (18%) Black and multiracial students and one-quarter (23%) of Latinx and Native American students lacked sufficient physical space to participate in online courses, compared to 86% of Asian American and 84% of White students who had adequate space. Debt was another predictor of whether students could fully participate in distance learning: students with no debt were more likely to have reliable internet (91%) and sufficient physical space (87%) to join classes online than those who will graduate owing over \$100,000 in educational loans (84% of whom had reliable internet and 78% who had sufficient physical space).

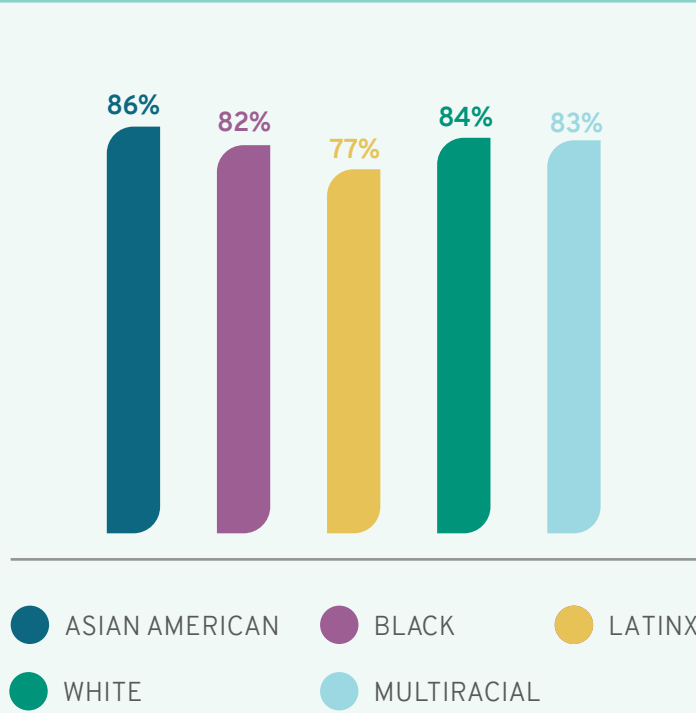
Sufficient internet service to participate in online courses, by Race



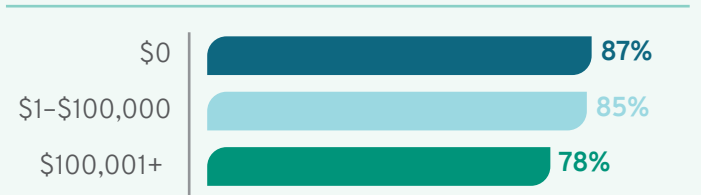
by Debt



Sufficient physical space to participate in online courses, by Race



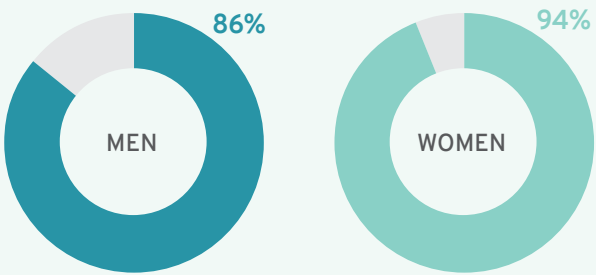
by Debt



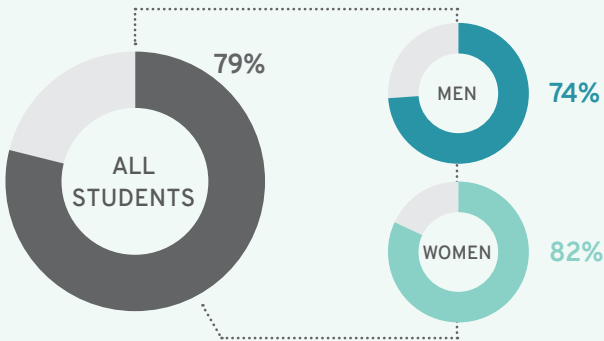
With so many anxiety-producing developments competing for their attention, it is not surprising that the overwhelming majority of law students (83%) reported that their concentration suffered as a result of the COVID-19 pandemic. Among those noting an increase in their inability to concentrate were 86% of men and 94% of women. There are also raceXgender disparities related to these findings. Within every racial/ethnic group, higher percentages of women than men noted increases in their inability to concentrate—including 89% of Asian American women (compared to 88% of Asian American men), 91% of Black women (compared to 85% of Black men), 95% of Latinas (compared to 84% of Latinx men), and a staggering 96% of White women (compared to 87% of White men).

Given the challenges associated with these individual sets of findings, the overwhelming majority of law students also noted a decline in their academic success. A full 79% of students shared that COVID-19 interfered “some,” “quite a bit,” or “very much” with their ability to succeed as a student. Three-quarters of all men (74%) were affected, compared to a whopping 82% of women. In addition to gender disparities are racial disparities: while 18% of Whites noted “very much” decline in their academic success, one-quarter (25%) of students of color did as well, including 23% of Black students, 27% of Asian Americans, and 29% of Latinx students.

Increased inability to concentrate, by Gender



COVID interfered at least some with academic success, by Gender



COVID interfered very much with academic success, by Race





Conclusion

Legal education has survived what were hopefully the deepest lows of the COVID-19 pandemic. But we did not emerge unscathed. The core of legal education continued as before—the basics of teaching and learning pivoted from in-person to online, professors successfully conveyed care and concern along with doctrinal analyses, and student satisfaction levels remained remarkably high. Yet just as in other aspects of our lives this past year, legal education lost much of its depth and flavor. It has been less fulfilling, less comprehensive, less effective at imparting the intangible skills our students will need to employ in their future careers. **Most critically, this Report reveals that our students have been struggling beyond anything they have experienced collectively before.**

Many of us are eager to move on, to recognize that it was a difficult year and celebrate that we have successfully put it behind us. Yet the

hinderances of the past year are with us still and have been with us always. **LSSE data reveal that structural inequalities that had previously created disparities based on race, ethnicity, gender, socioeconomic status, and other markers exploded due to COVID, in legal education as elsewhere in society.** A year of increased food insecurity, financial anxieties, eviction worries, loneliness, and depression make two things clear: that these were obstacles on the path to student success long before COVID brought them to our attention, and that they leave lasting impressions and ongoing trauma that will persist into the future. Though other worries will rise to the surface in the months to come, those from the past will linger too.

While it may be tempting to think of the pandemic as an awful relic, we must instead dig deeper to dwell in the unpleasantness, to consider whether and how we failed our students so that we can learn to

better support them going forward. Are food pantries enough? Can we rethink student debt? What is the best way to prioritize mental health? Answering these questions is critical as we work toward targeted solutions at our individual institutions and for our most vulnerable students.

And finally: we must adjust accordingly. **We cannot preach self-care while assigning impossible levels of work.** We cannot publish anti-racist resolutions devoid of action items attached to immediate and long-term goals. We cannot claim to put students first without attaching sufficient resources to student support measures. COVID has left destruction in its path, but it also forced us to innovate, to do things we thought were impossible. We now have the opportunity and responsibility to make our schools more student centered, effective, and inclusive. The pandemic is a long overdue wakeup call for us to rethink the future of legal education.



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