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Letter from the Editor

Dear Colleagues,

The last year and a half has forced everyone to navigate uncharted waters. As we approach the new school year, there is a return to familiarity tinged with more unknowns: a new variant; masks or social distancing guidelines; online, in person, or hybrid; remote work or none. Most law schools will return in the fall to a student body where not a single student has completed an entire academic year during their legal education in person or on-campus. Cultures and norms will need to be established and reestablished, and there will likely be a tension between what we thought was “normal” and what we are building as the “new normal.”

Academic support and bar prep professionals are adept at thinking on our feet and, this year, we will find ourselves leaning into these skills even more. The articles in this edition deal with many of the challenges we will face in the upcoming year, both new and old: opportunities to build technology into our teaching; new methods of outlining; creating virtual connections; helping our students be better learners; scholarship; advice to those joining our community, and more. The advice and recommendations herein will be powerful in building our “new normal.”

As my tenure on *The Learning Curve* comes to an end, I would like to thank all of you. Working on this publication for the past three years has connected me to this community in new and different ways, and I am grateful. It has been a pleasure, and I look forward continuing to connect with you all in the years ahead.

Sincerely,

Sarira A. Sadeghi
Executive Editor
The Learning Curve

An Open Letter to New ASP Colleagues

Sarira A. Sadeghi

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Dear Newly Hired ASP Colleagues,

Welcome! Starting in academic support and bar prep can be both exciting and daunting. ASP is a special and unique field, especially as it is still growing, developing, and changing within legal education. Here are some macro-level observations that may be helpful to those just starting in ASP or who feel they are still “new” to the field.

You will probably feel “new” for a long time, even when you are not.

People are considered “new” to legal education for approximately their first three years. After three years, these veterans shift from being mentored to mentoring, and are expected to have sage knowledge about their field.

There are many of us “veterans” who still sometimes feel new. Perhaps it is a version of imposter syndrome; perhaps it is because we are so busy, jumping from one school year and bar cycle to the next without adequate time to process; perhaps it is because we are always learning new things in this role. Regardless of why, if you feel a little off-balance, insecure, or simply “new,” do not be afraid to reach out to colleagues around you and at other institutions. We all felt this way in the beginning and, to be honest, many of us sometimes still do.

Take some time to get to know your institution.

Every institution is unique, as are the people you work with. Take some time to learn about the students, the culture of the school, and the internal politics. It takes approximately one calendar year—a full academic and bar cycle—to learn these things, and this knowledge is vital. This time allows you to deeply understand the needs of your students and school and cultivate ideas that will have a meaningful impact on your specific constituency. It provides invaluable insight into how to navigate the internal dynamics of your institution to achieve your objectives. At both institutions where I have worked, I was able to implement some good ideas and successful programming early on, and at both institutions, I made mistakes by offering or implementing ideas before I fully understood the landscape. Taking the time to learn about your institution before you attempt to make significant changes can make those changes much more effective.

Trust yourself.

Although you may feel “new,” don’t be afraid to trust yourself. You were once a law student—what can you pull from that experience? Even if you are new to teaching, don’t be afraid to trust your voice, the experiences you bring with you, and the new ones you are gaining. Share new ideas with your colleagues; you might get support, or you might not. If not, ask why: perhaps they tried a similar idea, and it did not yield successful results; perhaps there are insufficient funds or infrastructure to implement the idea. If your idea is rejected, don’t get frustrated; use this as an opportunity to learn why there might be resistance to certain ideas. You may find that you are learning more

“Every institution is unique, as are the people you work with. Take some time to learn about the students, the culture of the school, and the internal politics.”

about the science of learning and teaching, or simply about the political landscape of your institution. Or perhaps your idea provides a fresh new perspective that fills a gap and is welcomed. You won't know until you put it out there. Everyone who starts in this field comes in with a set of instincts drawn from their own experiences. Share those ideas and see what might happen.

Keep learning and sharing with others.

Everyone starting in this field, no matter their background, will have a lot to learn, including those who came to this profession with teaching experience. There is so much to learn about teaching pedagogy, the science of learning, and best practices, all of which change as research grows.

The tenets of teaching and learning transcend legal education. Universities around the country have teaching and learning centers whose sole focus is to better understand how people learn and how to improve teaching. Many of these centers provide their resources for free and publish regularly, providing ample opportunity for us to continue developing.

Our community is also incredibly prolific. Colleagues within our ranks have published wonderful articles and books, present regularly at regional and national conferences, and collaborate with stakeholders to produce important research. There are so many opportunities and spaces to learn from and participate in. Absorb as much as you can.

Additionally, don't be afraid to develop your own professional interests and pursue them. While most people enter this field because they want to help others, do not be afraid to help yourself and pursue your own professional interests as well. Engage with colleagues, attend conferences, collaborate on presentations or articles, continue to learn and share. If you want to write, you *should*. Finding time is not easy, but perhaps you start with an article like this one. Perhaps you write about things you are interested in that have nothing to do with ASP. Maybe you want to present and share at conferences but don't know where to start or feel like you have nothing to contribute (you do!). These are great opportunities to reach out to a peer, even (especially!) at another institution and see if they would like to present with you or coauthor an article; chat about your shared experiences, ideas, concerns, and go from there. Added benefits of collaboration are accountability and confidence to participate and contribute.

Ask for help.

We tell our students that they should ask for help, and we should do the same. This is a generous community populated by natural helpers. Do not be afraid to ask. If you are not sure who to ask, reach out to one or two trusted people and ask them who they think you should reach out to. In my five years in this community, every question I have ever asked, whether on the ASP listserve or directly to an individual, has always received a fruitful answer. This community is your biggest resource and is happy to be tapped into. All you must do is ask.

Different situations may call for different advice.

Every institution has a different culture and different relationship with their ASP. We are all, especially those of us who have worked at more than one institution, acutely aware of how different the ASP experience is at each school.

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“One silver lining of the pandemic is that it allowed many people to realize the lack of—or need for—balance in their lives; ASP professionals are no exception.”

One of the gifts of this profession is that we are all champions for the other people in this community. Most ASP professionals are extremely adept at qualifying their advice or asking probing questions to get a sense of your situation before offering any suggestions (an approach we often take with our students, as well). Be open to their advice but, if it does not feel right for you, your situation, or your institution, take it with a grain of salt: not all advice, no matter how well intentioned, will be the right fit for any given ASP challenge at any given school. If the advice does not feel like a good fit, that is ok. Ask someone else. Reach out to other peers and colleagues. This community is hundreds strong and, despite our different circumstances, has the shared experience of working in this niche field. Not all advice will work for every person or situation, but you will find someone who can and will offer the advice you need.

Cultivate many mentors and peers.

You can have many mentors and reach out to different mentors for different purposes. Perhaps there is someone who always has exceptional teaching ideas that resonate well with your style and needs. Another might have an emotional intelligence that connects well with you. You might have a peer at another institution that you can vent to. Mentors and peers are instrumental to our development and professional experiences and, just as in life, we can turn to different people for different purposes.

Be flexible.

By its nature, our field is oft-changing—the research is growing, we keep learning, our incoming students are changing, and the landscape in which our work exists is evolving. The pace of these changes seems to be increasing. While legal education moves exceptionally slowly, it is fighting a current that seems to be moving ever faster—and that was before a global pandemic. Perhaps the changes institutions and faculty were forced to make because of the pandemic may lead to faster changes within legal education, but it is too soon to tell what the long-term impacts will be. Additionally, some parts of legal education may change faster than others in the coming years. It is important to be flexible and open to these changes, and even push through a few of your own if you have the chance.

Take care of yourself.

Our work is giving by nature and our constituents take by design. For most of us, this paradigm gives us satisfaction. But the demands many of us face are not sustainable. One silver lining of the pandemic is that it allowed many people to realize the lack of—or need for—balance in their lives; ASP professionals are no exception. ASP burnout is very real and as the demands on us and our programs grow, we will burn faster.

Taking care of yourself can mean many things. Whether it means leaving school at 5:30 pm instead of 6:30 pm, building meditation or breathwork into your day, taking mental health days, or telling a student you cannot meet today, do it. Whatever taking care of yourself means to you, do it. And do it every day.

Take your own advice.

Has anyone ever really done this effectively? I'm not sure, but we should. We counsel our students on how to learn better, grow better, manage time, manage stress, and be better professionals. But, as they say, teachers are the worst students, and we often

neglect our own advice in our own lives, to our detriment. Take your own advice and implement an organizational system, do not attempt to multitask, manage your time differently, go to that yoga class, take time to play with your dogs, go for a walk, disengage, turn the phone off and put it in a separate room, eat healthy and create a meal plan. Or just start with one of these things and go from there.

Be authentic.

The impulse to be what every student needs can be overwhelming, especially in programs where you are the sole ASP professional or one of a small group. This sometimes leads to people presenting a generic version of themselves. The intent is presumably to appeal to a wider audience, but it can instead read as disengagement from our work or performative engagement with students.

People are savvy and respond to authenticity. Authenticity can mean any number of things: empathy to students; having representations of your hobbies or interests in your office; or leading with honesty. Be professional and be yourself. Some students will be attracted to this, others might be repelled, but students trust someone they read as authentic more than a person they read as performative.

You cannot solve every problem.

Despite your authenticity and your best efforts, you will not be able to help every student. Some students do not want to be helped. Some are not able to receive it. Some decide they don't need ASP so your advice isn't really for them. Some may decide they don't like you or are not interested in what you have to offer. These situations are disappointing, but inevitable. Do not take them personally, and do not hold yourself responsible for these students' consequences.

Additionally, there will be some situations you simply cannot solve. Academically, a student might meet with you consistently but still perform poorly for a variety of reasons. They may have a self-defeating attitude that creates a self-fulfilling prophesy, or not be totally honest with themselves or you about what they are struggling with or how or why they are struggling. We are not responsible for a student's attitude or unwillingness to change, or one who tells us things are going fine and they understand what is going on when they don't. What we can do is ask questions, provide tools for practice and support, and assess writings and hypos to gauge understanding. On occasion, I have even told a student that they are starting over—we are going to start over and approach law school or even our working relationship from the beginning to attempt to reset some of the challenges the student is facing. Our common practices are helpful with most students, but occasionally, there will be a student or two who seem impervious. Know that you have done all you can, but the final steps require the student's own efforts.

Often, a student may be facing a personal or outside situation that you cannot solve. Law students across the country at all types of schools are facing food insecurity, home insecurity, financial insecurity, abuse or unhealthy family dynamics, mental health issues, substance abuse, or any number of other challenges. You will likely do all you can for these students: referring them to campus mental health services or perhaps a campus food bank, encouraging them to talk with others, and so on. Occasionally, you may want to offer a student even more—a ride, a safe space, basic necessities. Whether you do is up to you and the rules and culture of your institution (but please, always be safe). It can be difficult to not want to help, to get involved, or get invested, but there are many situations we just cannot solve.

These situations will present other challenges—the heartbreak or guilt of *not* doing something you have in your power to do, but that you cannot or should not do because it perhaps crosses a boundary or is unsafe. Find friends and colleagues to confide in and care for yourself. These will not take away all the challenges you will face, but they can be powerful balms.

You will make mistakes. Many of them.

You will make mistakes—probably a lot—and that is ok. Every person in this field can look back on a student, situation, class, workshop, email with a colleague, or meeting in which they should have said something differently (or said nothing at all), taken a different approach, or handled it differently. Just as we encourage our students to learn from their

mistakes and carry that forward into “next time,” so should you. You may need to apologize to someone or take steps to repair the situation and that is ok. Learn from it, grow from it, reach out to mentors or peers to vent or get advice, and move forward.

Know your worth.

Finally, have confidence in your worth. You provide an invaluable service to your students and fill an important need for your institution. You matter. You matter as a person, as a professional, and as a colleague. While all institution’s politics vary, know your worth and that you matter—speak up when necessary, whether for your program, class, students, or yourself. Do not be afraid to say no. Do not be afraid to say yes. Do not be afraid to ask for help. Do not be afraid to ask for additional compensation. Do not be afraid to start a new project or program for your students. You matter and your voice matters.

Giving Good Advice to Law Students: A Holistic Approach

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It is that time of year again when another semester has ended, and grades have been posted. With it comes a plethora of feelings along the spectrum, from elation to relief to devastation, for our students.

When grades are released each semester, I read advice professors share with students, and I hear about the various interactions students have with their professors when they look to them for guidance. Some professors tell students that if they do not get “good grades,” the student:

- Should rethink law school;
- Should rethink becoming a lawyer;
- Will never pass a bar exam;
- Does not have what it takes;
- Is not cut out for law school or the practice of law; or
- Is wasting their money.

“Good grades” is in quotes because some professors are not familiar with their school’s policies and procedures regarding academic standing. And as a result, they may give factually incorrect advice to students in this area, which can be unnecessarily damaging and painful for students.

If students are struggling, advice like the examples referenced above reinforce what the students are already telling themselves. Law school is incredibly difficult, and many struggling students are full of self-doubt, feeling the effects of imposter syndrome. Some are first-generation college and/or law school students, and some come from other underrepresented backgrounds. Law school and the legal profession are full of barriers. Reinforcing these thoughts is not helping students. It makes things worse.

In law schools across the country, there are controls in place to catch and help students who are underperforming academically. These controls are an interconnected web, working together to support students: the professors who teach students and grade them; the student affairs professionals who meet with and advise students about course schedules, disciplinary matters, and student life; the various committees dedicated to ensuring sound academic standards are in place and maintained; the academic support educators who work with students to provide the essential skills for success in law school through individual meetings, programs, and classes; and the Registrar’s Office that scrupulously checks and rechecks final grades for accuracy. Many of us rely on and trust those controls. We frequently check in with our colleagues and follow up with students when professors and teaching assistants bring them to our attention.

As academic support professionals, we have seen many students disqualified, or placed on supervision or probation, only to bounce back academically, pass a bar exam, and

“Law school is incredibly difficult, and many struggling students are full of self-doubt, feeling the effects of imposter syndrome.”

go on to become great lawyers. We know this, but it always bears repeating: grades are not determinative of a person's ability or worth as a person.

But how should we navigate conversations with students and faculty when inaccurate or harmful advice is given and received? How can we best help students who come to us and our faculty colleagues for advice when students do not receive the grades they were hoping for? The following are things we should consider in those situations.

Remember that we are in positions of power as professors. We are lawyers—we have already achieved a status students want and are working toward. Depending on whether the student is currently enrolled in your class, you also have control over their grade. This power dynamic matters. Students come to us for help, and they trust us. What we say and how we say it matters.

Know the school's academic standards and procedures. We never want to provide students with incorrect information about grades and disqualification, and it is important that our faculty colleagues do the same. For example, students should not be advised that they will never succeed in law school if their grades are not actually in danger of getting them disqualified or do not put them on provisional status. This information is typically found in a law school's handbook. If faculty colleagues need clarification, consider working with the academic dean or someone in your student affairs' office to provide an update during a faculty meeting.

Encourage collaboration between faculty and your academic support department. Think about giving a short presentation at a faculty meeting for your colleagues to get to know you, what your department does, and when to refer students to your department. It is important that your faculty colleagues know you, trust you, and understand the work you do so they know when to refer students to your department for additional help. When the law school community works together, students perform better.¹

Know your disability resources. Be familiar with the disability resources contact person for the law school. Go a step further and include language in the syllabi for your department courses with the appropriate contact information and school policies. Consider working with disability resources to create sample language for syllabi. Then, share it with all professors (our adjunct colleagues, too) and encourage them to use it in their syllabi. Students are not required to disclose their disability or accommodation(s) to professors, but it may come up in conversation. In addition, know that having a disability will not prevent our students from being successful attorneys. This approach is critical for our students with disabilities.² Sometimes law school is the first time a student is diagnosed with a disability, and they may be navigating the accommodations process for the first time. Other students may need modifications to prior accommodations. Additionally, it can be important for students to create a history of documented accommodations if they are looking to obtain them for a standardized test, like the bar exam.

Learn about your school's mental health services. Know the contact person for this department or these resources. It also helps to know whether the school offers no-cost or low-cost sessions like many schools do. This is a good opportunity to collaborate with the department that offers mental health resources to create sample language for syllabi so it can be shared and used throughout the law school. These conversations are important because more law students face significant stress than other types of graduate students, and law students and lawyers are impacted by substance use issues and other mental health challenges at rates much higher than the general population.³ As the stigma about mental health decreases, conversations about it increase. More

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“The role of a law professor is bigger than educating students about the substantive law alone: if we want good attorneys in the world, it is our responsibility to teach them what it takes to be one.”

students may mention it in conversation, so it helps to know where to refer students.

Identify different ways to help lighten the financial cost of law school. Encourage faculty to use open-source casebooks to reduce costs⁴ or allow students to use old editions of required textbooks. My department has supplements and old editions of casebooks available to borrow on the honor system that are used frequently. These steps help students manage the cost of law school now to ease the burden and set them up for success after they graduate. With some schools surpassing the \$100,000 per year mark,⁵ the cost of law school is on the rise. This is a growing concern for many students since more than 95% of new lawyers took out loans to attend law school⁶ and the average amount of law school debt exceeds \$100,000.⁷ As a result of the debt load, the well-being and mental health of new lawyers suffer.⁸ Further impacting the problem, the average lawyer salary fails to keep pace with growing student loan debt and significantly impacts their life choices.⁹ One student with a few professors using old editions or open-source casebooks means saving hundreds, if not thousands, of dollars in the short term at the time of purchase, and even more money in the long term as the student can borrow and repay less money in loans.¹⁰

Think about the role holistically. The role of a law professor is bigger than educating students about the substantive law alone: if we want good attorneys in the world, it is our responsibility to teach them what it takes to be one. The advice we give and how we give it sends a message about our interest in the student’s well-being and future. Students hear these messages loud and clear, even when we think they may not be listening. We must think about our students as more than just a single grade or cumulative GPA because it makes all the difference to their success.

¹ “Feeling connected to and supported by their law school results in meaningful outcomes to students’ academic and professional development.” Ind. Univ. Ctr. for Postsecondary Research, LAW SCHOOL SURVEY OF STUDENT ENGAGEMENT 2018 ANNUAL SURVEY RESULTS: RELATIONSHIPS MATTER 9 (2018).

² It is also important to remember that not all disabilities are visible, meaning that you may have students in your classes whose disabilities are not readily apparent. See *Words Matter: Invisible Disability*, INVISIBLE DISABILITY PROJECT, <https://www.invisibledisabilityproject.org/words-matter#letter-i> (defining invisible disability as “[a] disability that cannot be easily seen or measured; often discounted or not respected”) (last visited July 7, 2021).

³ See Rachel Casper, *The Full Weight of Law School: Stress on Law Students is Different*, LAWYERS CONCERNED FOR LAWYERS (Jan. 18, 2019), <https://www.lclma.org/2019/01/18/the-full-weight-of-law-school-stress-on-law-students-is-different/>.

⁴ There are many open-source casebooks available through CALI. The eLangdell Bookstore, CALI, <https://www.cali.org/the-elangdell-bookstore> (last visited May 24, 2021). Professor Brian Frye has written several of his own, discusses the importance of open-sources casebooks at length on Twitter, and has compiled a list of some of them in a thread. Brian L. Frye (@bryanlfrye), TWITTER (Sept. 22, 2019), <https://twitter.com/bryanlfrye/status/1168632836712259585> (Twitter thread listing various open-source casebooks).

⁵ Staci Zaretsky, Annual Cost of Attendance at 3 T14 Law Schools Now Exceeds \$100k, Above the Law (Aug. 22, 2019 2:43 PM), <https://abovethelaw.com/2019/08/annual-cost-of-attendance-at-3-t14-law-schools-now-exceeds-100k/>.

⁶ ABA 2020 Law School Loan Debt Survey Report 19-21 (2020), https://www.americanbar.org/content/dam/aba/administrative/young_lawyers/2020-student-loan-survey.pdf.

⁷ The average law school debt load for those who graduated in 2015-2016 was \$116,890. Paul Caron, What Do We Know About Law Student Indebtedness?, TaxProfBlog (Sept. 24, 2019), https://taxprof.typepad.com/taxprof_blog/2019/09/accesslex-what-do-we-know-about-law-student-indebtedness.html.

⁸ ABA 2020 Law School Loan Debt Survey Report 7 (2020), https://www.americanbar.org/content/dam/aba/administrative/young_lawyers/2020-student-loan-survey.pdf.

⁹ See 2020 ABA Profile of the Legal Profession 24-26, 46, 50 (2020) <https://www.americanbar.org/content/dam/aba/administrative/news/2020/07/potlp2020.pdf>. New lawyers surveyed about their debt indicated that student loan debt impacted almost every aspect of their lives, such as delaying or deciding not to have children, go on vacation, get married, or buy a house. They also said they did not choose the job they really wanted but instead chose a job that qualified for loan forgiveness. Additionally, lawyer salaries have increased at less than the rate of inflation. This suggests that, while the costs of law school increase, and also student debt, lawyer salaries have not kept pace. This problem is further impacted by the fact that wages for lawyers employed in the public sector where graduates qualify for loan forgiveness “are paid far less than lawyers in other settings.”

¹⁰ See Understand How Interest Is Calculated and What Fees Are Associated With Your Federal Student Loan: What Is Interest?, Federal Student Aid, <https://studentaid.gov/understand-aid/types/loans/interest-rates#rates> (explaining that federal student loans accrue interest daily based on the overall amount borrowed) (last visited July 7, 2021).

Asynchronous Teaching Methodologies: Pandemic Reflections and Best Practices

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The COVID-19 pandemic forced legal education online. As a result, professors are holding classes using online synchronous, asynchronous, or a combination of methods.¹ Professors have many choices to make when designing an asynchronous course, and a variety of tools that they can use in many different ways; therefore, professors who are new to the process may find it intimidating or overwhelming when trying to find “best practices.” WMU-Cooley law professors had been employing these teaching methods even before the COVID-19 pandemic and now have increased the efficacy of these methodologies. Even though many schools are moving back to in-person or hybrid teaching, various aspects of asynchronous teaching will remain beneficial and should continue to be used even beyond the pandemic. This article discusses best practices for asynchronous teaching including video lectures, discussion boards, one-on-one meetings, and more.² The authors draw on successful approaches that have been used and implemented in two courses at WMU-Cooley Law School.

Bar Exam Skills as an Asynchronous Course

Bar exam preparation has been worked into WMU-Cooley’s curriculum, and students must take a required Bar Exam Skills course to graduate. As with most law-school bar-prep courses, its primary focus is on building MBE, MEE, and MPT skills for success on a state bar exam. When WMU-Cooley went remote, it was a smooth process for Bar Exam Skills to transition to an online format, because the course was asynchronous before the pandemic. Following are some best practices that have been incorporated into that class.

One of the first reasons that transitioning Bar Exam Skills to 100% asynchronous was so easy is because the majority of post-graduate bar-exam preparation is asynchronous. Graduates don’t usually get to attend live, in person bar-review lectures over substance or skills.³ Instead, with the technology that is available today, graduates watch online video modules anytime that fits their own schedules. So, it comes as no surprise that one of the first changes we made was to record short videos on each week’s substantive topic. Over the course of seven weeks, we cover Torts, Contracts, Civil Procedure, Evidence, Criminal Procedure, Real Property, and Criminal Law, each with four to seven videos.⁴ Each of the videos includes a series of embedded quizzes spread throughout the recording. That way, we can tell whether or not the student watched the entire video.⁵ In addition, the quizzes allow for immediate follow-up on a legal concept and test the student’s understanding of the covered materials. This, in turn, forces students to see areas where they need to review. In addition to watching the videos and completing the embedded quizzes, the students are also given a fill-in-the-blank big-picture outline. Thus, they can see the big picture of the class, while being directed to fill in the holes for important terms of art that they must memorize.

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After the students watch the weekly videos, they are required to write through an old bar exam essay question on that week's topic. At the beginning of the term, students are encouraged to use their notes; later, we suggest that they try to complete the essays under timed, simulated conditions. Like when the class was in person, students receive written feedback and are graded on a rubric.⁶ In addition, students are encouraged to reach out and discuss their essays (and other questions) with the professors.⁷ At the beginning of the term, the professors give their contact information to the students (including cell phone number), and they make a point to let them know they can text or call with any question. This, in turn, fosters open communication with the hope that the students will keep in contact (and feel free to reach out with questions) even after they graduate. This is where one of the big changes was made to the format of this class. Now, the professor takes on the role as a coach for each student, which has resulted in more customized, individual attention to each student's needs, rather than lecturing to the class as a whole. For those students who are initially apprehensive about reaching out in this format, a built-in course mechanism prompts them to feel more comfortable: each student must complete a mandatory meeting with one of the bar-prep faculty members approximately halfway through the term. The professor and student discuss areas of strength and areas that need improvement, and together they form a plan for the rest of the term and for after graduation.

While studying for the bar, many graduates fall behind in their bar-review courses because of problems with time management. WMU-Cooley's bar-exam skills class requires that certain videos and assignments must be completed before the middle of the week, others must be completed by the end of the week, and the attendance and point structure of the course provides both carrots and sticks as an enforcement mechanism. This builds in the idea of structure and deadlines even when the students are on their own in an asynchronous environment. Because they get used to the discipline of meeting deadlines to earn both attendance and points, the idea that students cannot leave work until "the last minute" is reinforced. It seems to be carrying over into when full bar-prep mode begins.⁸

Before the term is done, the students are given the option to select a faculty member as a bar coach. In many instances, those meetings begin while the student is in the course and continue until the student sits for the bar exam. Even though the course itself is asynchronous, it includes multiple live contacts with students. With the advent of technology, videoconferencing, and learning-management platforms, live contacts have become more accessible. Moreover, many of those live contacts are more beneficial to the student's overall progression in the course, because the conversations and coaching sessions are tailored toward the individual student's needs.

Drafting as an Asynchronous Course

Teaching a skills course, and especially a writing course, online may be ill-advised. After all, a skills course requires actual practice of the skills being taught. However, when COVID-19 struck and courses were shifted online, professors were left with no choice but to teach skills online, and with the difficult problem of how to do so effectively. Many professors chose synchronous online methods, but others were drawn to asynchronous methodologies because it gave the students more flexibility. In legal education, asynchronous methods were not widely used prior to the pandemic.⁹ Fortunately, the pandemic allowed opportunity for further teaching innovation, including teaching a skills course asynchronously.

At WMU-Cooley, Drafting is an upper-level, required writing course covering practice-focused writing tasks, such as drafting and editing contracts and legislation. There are several benefits to teaching this course asynchronously. Students focus more on the

"Fortunately, the pandemic allowed opportunity for further teaching innovation."

content of the course because they are able to complete it on their own timeline each week, giving them the flexibility to work around their many obligations.¹⁰ Additionally, students may revisit any and all material that does not make complete sense the first time around.

In the physical, synchronous classroom, a Drafting skills lesson usually involves a short lecture to introduce a new skill or concept. Then the students are given the chance to try out the skill in small groups. Next the professor asks for volunteers to share their work. Finally, the professor guides the class in a discussion about what each group did well, and what each group can improve on in the next task. Every exercise is followed by a deconstruction and a model answer provided to the students, so that they can all self-assess.

In the online classroom, lectures are recorded videos, eliminating the need for the professor and the students to be present at the same time. Multiple short videos (20 minutes maximum for each video) are used if there is more than one skill or concept that needs to be covered in a given week. One long video would be less effective because the students' attention will inevitably wane.¹¹ After watching a lecture video that introduces the skill, the students practice the skill via discussion board exercises.

The professor has designed the discussion board responses so that students must post their own original responses first before they can see any other responses. Once they have posted, they can see any other student responses and are required to comment on two other posts to receive full credit for completing the task.¹² In the virtual Drafting classroom, credit is attendance. These settings have removed the temptation for a student to just scroll through the first responses to repeat what someone else has said or done. Moreover, requiring the students to respond to one another has helped the students engage with one another throughout the course rather than just posting and moving on. Maintaining human contact in the virtual classroom is important because students feel more supported and comfortable communicating when they need help.

This method also helps to showcase student work: it emphasizes that though everyone's writing looks different, it does not mean that only one person can be correct. It demonstrates that a single problem can have different, excellent solutions. The online platform has been ideal for this type of assignment. While some students may be hesitant to put their work on display, this professor has created normalcy in sharing work for the benefit of critique rather than for competition. For example, in the first week of class the professor sets the tone of professionalism and for creating a safe space for learning even in the online classroom. This has helped students feel more confident in posting their work for the whole class to see.

While the majority of the tasks for Drafting can be completed individually, without any additional contact from the professor, the regular scheduled class period is reserved for an optional question-and-answer drop-in session for the students. This ensures complete access to the professor at a time when the students are presumably available – after all, the day and time of the class meetings were listed on the schedule when the students registered for the class.

Students are also encouraged to schedule one-on-one meetings with the professor to go over any task, exercise, or graded assignment. Although these meetings are not required, the professor offers to meet with students repeatedly and to review multiple drafts. Again, this helps to preserve contact between the student and professor.

Furthermore, this approach provides flexibility for the students¹³ but also places the responsibility on students to take charge of their progress and become self-regulated learners,¹⁴ which will make all of them better attorneys.

Student response to the asynchronous version of Drafting has been positive. The asynchronous version of this course remains in high demand each term, and students have expressed appreciation for the flexibility built into the course and the availability of the professor. Part of Drafting's success has been the professor's time, attention, and dedication to ensuring the course effectively achieves the learning objectives set out for the students. In addition, the professor has worked hard to avoid common pitfalls with asynchronous teaching, such as the unavailability of the professor, students feeling isolated, and uncertain expectations.

Asynchronous Teaching Post-COVID-19 Legal Education

Asynchronous teaching has a place in legal education—in particular academic support, bar prep, and legal writing—even after all law schools return to in-person teaching. For example, a professor can flip a classroom by assigning short videos to be completed prior to attending class in person. This lays the substantive foundation for the students so that they come to class prepared for a robust discussion and ready to practice the skills they are developing. Short lecture videos not only allow students to re-watch when needed, but it also gives professors a sense of quality control over the material. A live lecture does not always go as planned, but with lecture videos a professor can scrap a version that did not work out well and recreate a more effective version. Additionally, discussion boards can be a valuable resource in showcasing student work and helping students learn to peer-edit and critique others in a professional environment. Further, asynchronous teaching helps students learn time management, discipline, and prioritization. Ultimately, this means that students will be better educated in substance and in critical skills necessary for becoming a successful attorney. Although the pandemic was the motivation for adapting asynchronous methods, the methodology will remain sound even when the global emergency has passed.

“Although the pandemic was the motivation for adapting asynchronous methods, the methodology will remain sound even when the global emergency has passed.”

¹ Gabriel Kuris, *The Impact of the Coronavirus on Legal Education*, U.S. News & World Report (Aug. 24, 2020, 9:24 AM), <https://www.usnews.com/education/blogs/law-admissions-lowdown/articles/the-impact-of-the-coronavirus-on-legal-education>.

² Yvonne M. Dutton et al., *Assessing Online Learning in Law Schools: Students Say Online Classes Deliver*, 96 Denv. L. Rev. 493, 513 (2019). See also *id.* at 520 (stating that data collected “suggests that online classes have a place in the law school curriculum . . . [and s]tudents generally expressed the view that at least some of the online classes they have taken deliver a learning experience that is equal to or better than the learning experience they had in some traditional live law classes.”).

³ The option to attend live is very rare, if it in fact ever happens. See, e.g., *BARBRI Bar Review FAQs*, BARBRI (last visited Dec. 14, 2020), <https://www.barbri.com/barbri-bar-review-faq/> (stating that “[f]or a summer BARBRI Bar Review course, depending on the option you select when you enroll, when you attend a classroom, you may either experience 1) a live professor delivering the lecture or workshop content; 2) a live stream of a professor who is physically in another location; or 3) in some instances, you may watch a pre-recorded video in a classroom environment. For the winter bar review course, when you attend a classroom, you will watch a pre-recorded video in a classroom environment.”).

⁴ See Cynthia J. Brame, *Effective Educational Videos: Principles and Guidelines for Maximizing Student Learning from Video Content*, in CBE Life Sci Educ. Vol. 15, No. 4, at 4 (2016) (discussing “the median engagement time for videos less than 6 minutes long was close to 100% [where] median engagement time with 9- to 12-minute videos was ~50%, and the median engagement time with 12- to 40-minute videos was ~20%.”). Currently, students in the Bar Exam Skills course are given an average of 6 videos per week that range from 4 to 20 minutes each.

⁵ Another point of interest in crafting the course makeup was how to track weekly attendance, per ABA standards. Students are given from Sunday at 12:00 a.m. until

Wednesday at 11:59 p.m. of that week to complete the videos and embedded quizzes for attendance purposes. If they fail to do so, then they are marked absent for the week.

⁶ Another component of the class is working on the skill of self-assessment. A weekly assignment includes the students' self-assessing their essay response on the same grading rubric before the professor gives the feedback. Students then compare how they graded themselves versus how the professor scored them so they can see where they are in evaluating their own work. In addition to the other assignments already mentioned, students must complete weekly concept maps/outlines of topics, they must solve weekly multiple-choice sets, and they must track their deconstruction of those multiple-choice sets. The deconstruction requires them to record which questions they got wrong and list the reason(s) why they got those questions wrong. They must also explain what rules were being tested in all questions, regardless of whether the students got the question right or wrong, and explain what facts triggered those rules.

⁷ Students must meet with a bar prep faculty member once but are encouraged to meet as often as needed. This is a best practice, because it ensures that students have a minimum of one real-time interaction with a faculty member despite the course being asynchronous.

⁸ Anecdotally, we have kept in touch with graduates who have said that they understand why the Bar Exam Skills course was designed asynchronously after they experienced full bar prep and the bar exam because the structure was so similar and they felt more prepared.

⁹ See *supra* note 1.

¹⁰ Students have expressed gratitude for the flexibility of this course during and after the class. They have also frequently written and described how helpful the content has been for their practical experiences.

¹¹ See *supra* note 4.

¹² Here, credit is attendance. If students complete all required tasks, they are counted as present for that week. If a student completes only a portion of the tasks, then they are partially absent, and if no tasks are completed, then the student is marked absent.

¹³ WMU-Cooley has a student body made up of many non-traditional students who will benefit from flexibility in many ways.

¹⁴ Self-Regulated Learning and Academic Achievement: Theoretical Perspectives (Barry J. Zimmerman, Dale H. Schunk, eds. 2nd Ed. 2008).

Seven Habits of Highly Effective Studiers

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“True education is about getting the best out of oneself.”

~ Mahatma Gandhi

An Olympic athlete doesn't just “train” by practicing her event—she trains all day by preparing her mind and body for each practice session. Our students are world-class brain athletes, and there are things they can do to enhance their study sessions—things that go beyond the act of studying itself. The following is a list of the seven habits I tell my students they can employ to optimize their brain workouts and overall law school performance. In addition, some of these habits may help overworked professors as well.

Fuel Your Workout, Part I

A healthy diet is critical for a healthy brain. Neuroscientists are now referring to the microbiome in our digestive system as our “second brain” because of the direct, causal link between the foods we eat and our overall brain health.¹ A poor diet—those high in refined sugars/carbohydrates, red meat, processed meat, and fried foods—promotes inflammation² and leads to reduced neuroplasticity in the brain, making it more difficult to form new memories and learn new things.

On the flip side, eating a healthy diet with foods such as fruits, nuts, leafy greens, and fatty fish all work to combat inflammation. Individuals eating such a diet have been shown to have larger total brain volume, higher nerve density in the brain, and a larger hippocampus. Each of these is associated with better brain health, including increased overall function, improved memory, and protection against neurodegeneration.³

With all of that in mind, here are some of the best foods to boost your overall brain health (in no particular order): avocados, blueberries, broccoli, walnuts, dark chocolate, dark leafy greens, eggs, salmon, quinoa, and turmeric. Eat well before and after your “workouts” in order to maximize your brain's ability to absorb all of your study efforts.

Fuel Your Workout, Part II

Your mindset will go a long way in determining the quality of every study session. Your thoughts create your mood at any given moment. The words you choose within your internal dialogue create different emotional states within your body and brain.⁴ The research is now clear that a more positive mental state is better for your brain's ability to assimilate and process the information you are trying to learn. The great news is that you are the author of the internal dialogue running through your mind all day.

Thus, it is critical to remind yourself that you don't *have to* study for law school—you *get to* study for law school. Don't tell yourself that you *have to spend a lot of time studying*. Remind yourself that you *get to invest time* in accomplishing your amazing goal of

“Your thoughts create your mood at any given moment. The words you choose within your internal dialogue create different emotional states within your body and brain. The research is now clear that a more positive mental state is better for your brain's ability to assimilate and process the information you are trying to learn.”

becoming an attorney. If you are struggling with a subject, try adding the word “yet” to your vocabulary—so instead of saying you “don’t get Property,” start saying that you “don’t get Property yet.” This will create a more positive mental state, and foster a more beneficial growth mindset. The words you choose to speak to yourself can energize you or deplete you, so choose wisely for a more effective study session.

Study Correctly

Sadly, research suggests that we will struggle to remember approximately 50% of what we learn within an hour and 70% within 24 hours.⁵ Fortunately, there are things you can do to improve those numbers. The optimal amount of time for learning or doing a task is 25 minutes, followed by a five-minute break (known as the Pomodoro technique). After your break, quickly review what you studied in the previous 25-minute session before you re-start. And, of course, spaced repetition (reviewing information 36-48 hours later and then again 5-7 days later) has been shown to increase memory recall.

For best results, change up the manner and location of your study sessions. The brain remembers best when it’s stimulated—and it’s difficult to be stimulated when you are doing the same thing in the same place every day. Thus, you want to alternate the *way* you study (flashcards, audiotapes, study groups, etc.), and the *places* you study (different places within your home, a coffee shop, a friend’s house, etc.).

Regardless of where you study, it is imperative to **declutter your workspace**. Our physical environment is closely intertwined with the functionality of our brains. Physical clutter in your surroundings competes for your attention, resulting in decreased performance and productivity.⁶ Worse still, our brains want things to be in order, so a messy workspace spikes our anxiety levels. Wherever you study, make the space your own—but make it clutter-free.

Read Correctly

Of course, a lot of “studying” in law school comes down to reading, reading, and—more reading. So be sure to read correctly to get the most out of each study session. First, hold the book upright and not flat on the desk, or use a book stand to achieve the same effect. If the book is flat on the desk, you will be looking at the print at an angle, which is tough on the eyes, creating visual fatigue. Moreover, if the book is flat on the desk, you will likely be forced to slouch over to see the print clearly, which constricts the diaphragm; this constriction disrupts the flow of oxygen to the brain and body, which makes you feel more tired.

You can also change up *how* you read to keep your study sessions fresh. Try reading aloud. Reading aloud can improve both comprehension and memory.⁷ It also seems to have the added benefit of making it easier to grasp complex subject matter. You can also read aloud with your significant other or family member. When we read aloud or listen to someone else read, we utilize different brain circuits than we do when we read silently. This is a different stimulus for the brain, which makes it more memorable.

Stay off of Social Media

We now consume as much data in a single day as an average person from the 1400s would have absorbed in an entire lifetime—and this isn’t necessarily a good thing.

“We now consume as much data in a single day as an average person from the 1400s would have absorbed in an entire lifetime—and this isn’t necessarily a good thing.”

Increased use of social media has been correlated with lower academic performance⁸ (lower GPAs and exam scores) and reduced information recall.⁹ (Note: information recall is critical to law school success!)

Worse still, higher use of social media has also been correlated with greater symptoms of depression,¹⁰ lower self-esteem,¹¹ difficulty sleeping,¹² and higher anxiety.¹³ Clearly, these are all things you want to avoid during the rigors of law school—especially when some of your peers may be posting about how they continue to crush law school memos, midterms, moot court competitions, etc. So, stay off social media as much as possible to boost your productivity, performance, and overall mental health.

Hide Your Cellphone

Cellphones are now a huge part of our daily lives. In fact, cellphone users in general have been shown to check their phones more than 150 times a day.¹⁴ Many students now identify as multi-taskers, and one way many students multitask is by switching between schoolwork and cell phone usage. The research, however, is clear that there are “switch-costs” involved with multi-tasking—namely, a loss in productivity by as much as 40%.¹⁵

When students are immersed in work and then check their phones, it can take up to 23 minutes for their brains to get back to the full immersion of studying/reading after the distraction.¹⁶ Students who multitask between cellphone/social media use and learning have less of an ability to filter irrelevant information and are slower at switching between tasks.¹⁷ Even more revealing, a 2017 study showed that just having your cell phone near you—even if it is turned off—can result in a 30% decline in cognitive abilities.¹⁸ Thus, whenever possible, physically separate yourself from your phone by either placing it in another room or hiding it during study sessions.

Overcome Procrastination

If you know you are a procrastinator, there are two key things you can do: (1) start (no matter how insignificant your start may seem), and (2) make yourself accountable. First, just starting (even if it is only putting your name/exam ID on a paper that is due) results in the Zeigarnik effect—a phenomenon where something you have started but not finished keeps popping into your mind—which literally results in your brain nagging at you to stop procrastinating and get it done.¹⁹

As for accountability, you are far more likely to get things done in a timely manner when you have to answer to another person for your efforts. In fact, if you have a specific person you are accountable to on a specific timeline, it can increase your chances of completing the task by 95%.²⁰ You can also have cross-accountability with a classmate to keep each other in check. At our core, we don't want to disappoint our friends/family, and making yourself accountable in this way will serve you well in overcoming procrastination. So . . . what are you waiting for? Happy studying!

“Students who multitask between cellphone/social media use and learning have less of an ability to filter irrelevant information and are slower at switching between tasks.”

¹ Eva Selhub, *Nutritional Psychiatry: Your Brain on Food*, HARV. HEALTH PUB: HARV. HEALTH BLOG (Mar. 26, 2020), <https://www.health.harvard.edu/blog/nutritional-psychiatry-your-brain-on-food-201511168626>.

² *Id.*

³ *Foods that Fight Inflammation*, HARV. HEALTH PUBL'G: HARV. WOMEN'S HEALTH WATCH (Aug. 29, 2020), <https://www.health.harvard.edu/staying-healthy/foods-that-fight-inflammation>.

⁴ Chris P. Neck & Charles C. Manz, *Thought Self-Leadership: The Influence of Self-Talk and Mental Imagery on Performance*, 13 J. ORG. BEHAVIOR 681 (summary) (1992); Antonis Hatzigeorgiadis et. al., *Self-Talk and Competitive Sport Performance*, 26 J. APPLIED SPORT PSYCH. 82, 87 (2014).

⁵ JIM KWIK, *LIMITLESS: UPGRADE YOUR BRAIN, LEARN ANYTHING FASTER, AND UNLOCK YOUR EXCEPTIONAL LIFE* 47 (Hay House, Inc. 2020).

⁶ See, e.g., Stephanie McMains & Sabine Kastner, *Interactions of Top-Down and Bottom-Up Mechanisms in Human Visual Cortex*, 31 J. NEUROSCIENCE 587 (2011).

⁷ See Noah D. Forrin & Colin M. MacLeod, *This Time it's Personal: The Memory Benefit of Hearing Oneself*, 26 MEMORY 574 (2017).

⁸ Michael C. Patterson, *A Naturalistic Investigation of Media Multitasking While Studying and Effects on Exam Performance*, 44 TEACHING PSYCHOL. 51, 51–52 (2016); Martin D. Hassell & Mary F. Sukalich, *A Deeper Look into the Complex Relationship Between Social Media Use and Academic Outcomes and Attitudes*, 21 INFO. RES., no. 4, at 3 (Dec. 2016); Reynol Junco, *Too Much Face and Not Enough Books: The Relationship Between Multiple Indices of Facebook Use and Academic Performance*, 28 COMPUTERS HUM. BEHAV. 187, 187–98 (2012).

⁹ Scott T. Frein et al., *When it Comes to Facebook There May be More to Bad Memory than Just Multitasking*, 29 COMPUTERS HUM. BEHAV. 2179, 2179–82 (2013).

¹⁰ Mai-Ly Nguyen Steers et al., *Seeing Everyone Else's Highlight Reels: How Facebook Usage is Linked to Depressive Symptoms*, 33 J. SOC. CLINICAL PSYCHOL. 701, 701–31 (2014).

¹¹ Maria Kalpidou et al., *The Relationship Between Facebook and the Well-Being of Undergraduate College Students*, 14 CYBERPSYCHOLOGY BEHAV. SOC. NETWORKING 183, 183–89 (2010).

¹² Cecilie Schou Andreassen, *Online Social Network Site Addiction: A Comprehensive Review*, 2 Current Addiction Rep. 175, 176–180 (2015).

¹³ Andrew Lepp et al., *The Relationship Between Cell Phone Use, Academic Performance, Anxiety and Satisfaction with Life in College Students*, 31 COMPUTERS HUM. BEHAV. 343, 343–50 (2014).

¹⁴ Ben Spencer, *Mobile Users Can't Leave Their Phone Alone for Six Minutes and Check it up to 150 Times a Day*, DAILY MAIL, Feb. 11, 2013, <https://www.dailymail.co.uk/news/article-2276752/Mobile-users-leave-phone-minutes-check-150-times-day.html>; Chauncy J. Neyman, *A Survey of Addictive Software Design*, California Polytechnic State University (2017).

¹⁵ Patterson, *supra* note viii.

¹⁶ See, e.g., Gloria Mark, et. al., *Focused, Aroused, but so Distractible: A Temporal Perspective on Multitasking and Communications*, https://www.researchgate.net/publication/300918076_Focused_Aroused_but_so_Distractible (Feb. 2015).

¹⁷ Penny Thompson, *Communication Technology Use and Study Skills*, 18 ACTIVE LEARNING HIGHER EDUC. 257, 257-60 (2017); Eyal Ophir et al., *Cognitive Control in Media Multitaskers*, 106 PROC. NAT'L ACAD. OF SCI. 15583, 15585 (2009).

¹⁸ Adrian F. Ward et al., *Brain Drain: The Mere Presence of One's Own Smartphone Reduces Available Cognitive Capacity*, 2 J. ASS'N CONSUMER RES. 140, 140–54 (2017).

¹⁹ See generally, Colin M. MacLeod, *Zeigarnik and von Restorff: The Memory Effects and the Stories Behind Them*, 48 MEMORY & COGNITION 1073, 1079 (2020).

²⁰ Kate Matsudaira, *How to Get Things Done when You Don't Feel Like it*, 16 ACM QUEUE issue 4 (July-Aug. 2018).

Expansion and Collaboration: A Multi-Office Approach to Supporting First Generation Law Students

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Learning about the history of academic support programs has motivated our team at Saint Louis University School of Law to create programs that target specific groups of students and has encouraged the Office of Inclusion and Diversity Education to work more closely with the Academic Resource Center. Our goal is to dismantle the traditional approaches of how law school operates and shed light on the unique needs of our first generation students.

Targeted programming for specific groups of students has origins in law school academic support programs. Academic support programs grew out of support for the influx of “minority students,” as they were referred to in the 1960’s on, usually starting with working with the Black Law Students Associations. The models that academic support programs took on challenged the traditional model of law school, of “sage on the stage,” and moved to motivate students to engage in the learning process and for professors to be “guides on the side.” Academic support programs sought to unveil the secrets of legal education and show students the steps to being successful, moving away from the idea that the law professor has all the information, lecturing about it while the students write notes and attempt to digest the information towards a learning environment, where students have ownership over their academic success and contribute to the classroom experience. This was especially helpful to students who did not come from legal backgrounds and elite schools, and those who were often left out of traditional law school environments. Academic support programs started to address the reality that more and more students do not have these backgrounds, and that they needed to be taught certain skills more explicitly during law school for them to share the same success.

Academic support programs were widely successful for the cohort of students they were designated for, minority students, but then law schools gradually began to insist these programs be made available to all students.¹ As the programs shifted to broader bases, they became less focused on meeting the needs of the very students the programs were set up to address.² It’s time for academic support programs to get back to their roots and create programming for students of color, marginalized students, and students that don’t have legal professionals in their family – first generation students.

Academic support programs were set up to assist struggling students, and we wanted to assist the struggling students effectively. Due to the success of diversity recruitment by our Admissions Office, our current students come from varying backgrounds with unique

“In the end, we seek to provide useful information to as many students as possible.”

needs and educational experiences. We seek to meet the needs of students from various backgrounds to ensure they are engaged in the learning process, feel part of the law school community, and meet their academic and professional goals. Another goal is to enhance academic success by mitigating psychological isolation and prior educational disadvantages. We seek to create programming that addresses these needs even before students start their first day of law school. We have provided methodologies, techniques, and skills to help our law students develop feelings of self-worth, successful participation, and belonging. Not all students have these challenges, and not all students want to participate in targeted programming; however, there are many students who desire it.

Defining First Generation Students

While definitions vary, generally a first generation student is the first in their family to attend college.³ There is also a space for first generation law students who are the first in their family to attend law school.⁴ Ultimately your program should allow people to self-identify as a first generation student and should align with the goals you have for the programming.

Some first generation students come into law school lacking networks, financial support, and often familial support.⁵ As the first in their family to go to law school, they do not have the benefit of relatives who have the lived experience of how to be successful in law school. Their families may have the best intentions, encouragement, and well wishes, but no blueprint or practical plan for law school success. Due to their lack of exposure to the legal profession, first generation law students may feel behind when establishing mentors, particularly if they have not had the opportunity to meet with a lawyer before attending school. First generation students may have a longer adjustment period navigating the vernacular and understanding the culture of the law school experience, and law schools should give resources to help accommodate these hurdles.⁶ First generation law students are likely to spend less time interacting with faculty, as they may not have been given advice to do otherwise. These students may not understand just how important it is to utilize office hours, build a rapport with professors, and ask for additional resources like practice exams. Utilizing these resources in undergrad may not have been an expectation of their undergraduate experience, but does make a large impact on success in law school. Because first generation students come to law school with these barriers, it is important for law schools to implement programming to address these unique needs.

At Saint Louis University School of Law, our definition is: “Our First Generation Students are those students who are the first in their family to attend law school or those students who have not had the opportunity to engage with lawyers prior to entering law school.” This is a relatively broad definition and does include many students, but our reasoning for keeping our definition broad is that students entering law school tend to have gaps in their knowledge about law school and how to access resources no matter their family connection to the legal profession. In the end, we seek to provide useful information to as many students as possible. Law school is new to everyone, regardless of their family connections.

There may be reasons to limit the definition of first generation beyond how we have chosen to define it. These reasons may include the institution’s lack of financial resources to support the program, the inability to coordinate large groups of students, or the desire to start small and expand later. Ultimately, we at Saint Louis University School of Law decided on a broader definition to reach more students and encourage students to participate in the programming, but there are a few additional limitations to consider when creating your own definition.

Defining Goals to Steer Your Programming

Taking a page from inclusive learning strategies, we intentionally created specific goals and objectives for our programming. Those goals included:

- Instilling a sense of empowerment in our students before they entered law school;
- Providing a buffer to the knowledge gap for students entering the legal profession;

- Providing resources to our students and their families;
- Providing networking opportunities;
- Creating community building activities for students.

These goals not only help steer us when creating ideas for programming, but also are the most aligned with how to help first generation students.

The support for our first generation students begins before they enter law school. We created a First Generation Workshop for admitted students to participate in the summer before they begin law school. The workshop included a series of short videos and resources on mental states that first generation students may feel when in law school, such as isolation, imposter syndrome, and stereotype threat, which were housed in our learning management system. There were also videos of current students, who identify as first generation, describing their experiences transitioning into law school with tips on how to be successful. We additionally included information on what to do before, during, and after class as part of their introduction to the Academic Support Center. In the spirit of collaborating with the entire law school community, we created a “You Belong”⁷ video, showing current students, staff, and faculty say “you belong” at Saint Louis University School of Law with a short message to the incoming first generation students. To round out this program, last summer we held a live, synchronous Zoom session for the students who utilized the First Generation Workshop resources to ask questions, talk about what they learned, and further build community.

“Hearing the same message from multiple sources allows adult learners to retain the information better, improving their engagement with the information and increasing their motivation to learn.”

Lessons Learned

Outside Speakers

Early in the spring semester, we invited an outside speaker to speak to our students, particularly to our 1L students. We chose this time to bring in a speaker to reinforce study skills messaging because 1Ls had just received their first semester grades, and many students found they did not perform as well as they liked. The speaker was a lawyer who found success after struggling in undergrad and now is a law school motivational speaker. She talked to students about studying, the time it takes to be successful, supplements, practice tests, and networking – things that they have heard from us before, but that the students needed to hear again. She also provided activities to help them practice visualization, strategic planning, and the power of positivity. The students were very receptive to the words of this outside speaker, and her ideas and way of presenting study tips resonated with the students.

At first, we debated the pros and cons of bringing in an outside speaker, because we did not want to diminish our credibility or have the students consider us less of an expert since they were hearing information from someone other than us. Ultimately, we came to the decision that the students have repeatedly heard things from us as academic support professors, and it would resonate differently with them to hear it from someone else. Similarly, we want doctrinal professors to reiterate the same messages we are giving to students when it comes to study skills and retaining the information. Hearing the same message from multiple sources allows adult learners to retain the information better, improving their engagement with the information and increasing their motivation to learn. We spoke to a student about our thoughts on this to get a student perspective, and she shared with us that bringing in an outside speaker actually

reinforced what we have been saying to students and did not minimize us as experts. It is important to note that as an Academic Support Professional you need to give the information to your students first so that when they hear things from someone else, it reinforces your own messaging.

Collaboration

One reason for the success of our first generation programming is our efforts to collaborate with others. For example, we included our Office of Admissions at Saint Louis University School of Law from the start. The Office of Admissions is the primary liaison between the incoming students and us. The Office of Admissions informs us what questions the incoming students are asking so that we can tailor our programming even more to the needs of the first generation students and helps us identify who might benefit from our programming. Since the incoming students have heard of who we are and the programming and resources we offer, we have found they are more comfortable approaching us and utilizing the resources of our offices. Additionally, the Office of Admissions has recently added a field on the School of Law application for incoming students to identify as not only first generation college students but also first generation law students. This data will help us in reaching out to students who identify as first generation so that they know the resources available to them. Since we have established this relationship with our Office of Admissions, we plan to coordinate to expand our first generation programming through pipeline work for first generation students.

“Finding ways to integrate our first generation programming into other law school departments is important for the program to gain traction and exposure to students.”

Saint Louis University School of Law is fortunate to have a student organization focused on first generation law students named First Chair Society. We sought to incorporate First Chair Society into our planning but needed to be aware of not adding additional burdens on the students. One lesson we learned is that we should have incorporated them into our discussions earlier to let them know we were planning this targeted programming. After our plans were solidified, we found a balance of communicating that we as faculty and administration are taking on the task of providing resources. So far, we have collaborated on a panel event with First Chair Society to bring in alumni to speak to their members. This event further established our relationship with that group of first generation students.

From the beginning, we knew that we wanted to expand our programming beyond the 1L year and collaborate across the law school departments. Finding ways to integrate our first generation programming into other law school departments is important for the program to gain traction and exposure to students. When we initially presented our ideas and goals for future programming and collaboration to other law school departments, it came across in a way that seemed final to those other departments. This ultimately proved unsuccessful because the other departments did not feel as though they had the capacity to collaborate with us and were not as invested in the ideas because they did not participate in the planning and idea creation. To avoid this roadblock, we suggest including other departments in the planning phase or let them know this is an idea and not a full plan. We also hope to seek faculty involvement and further staff involvement in our programs. We know that many faculty and staff members are first generation themselves, so it will be more impactful the more people we bring into our first generation network within Saint Louis University School of Law. We know that many hands make light work and will continue to find ways to collaborate with other law school departments to present as many resources as possible to our first

generation students.

Resources for Students' Families

One of our goals is to help educate students' families so that the families can support their students even more. Often, law students may not be familiar with the timeline and progression of the law school semester, and unsurprisingly their family are not either. One of the hurdles first generation students face is potential lack of support or misunderstanding of what the student is experiencing. To alleviate some of this potential pressure, we provided a letter that students could choose to give to their family members about one month into the first semester. The letter describes the potential stressors students might face and describes the law school timeline to give the family an idea of what the students might be going through. We gave this information to facilitate some of the conversation about responsibilities at school that would take them away from family events. This is a resource for families to get a better understanding of why their loved one would not be available like they may have been in the past. We plan to expand this to be a larger resource guide in the future, believing that the more families know about the law school process, the better able they will be to support their students.

Conclusion

Saint Louis University School of Law's goal is to produce well-rounded and culturally competent professionals who will respectfully serve their diverse communities. As part of our Jesuit tradition, Saint Louis University remains faithful to the value of promoting justice and the dignity of all human beings. Our mission compels us not only to train lawyers for others, but to address the gap in access to justice faced by underrepresented communities. While our faculty and staff are available to all students, we recognize that law students are not merely getting an education but entering a profession with its own unique language and culture. For those who are the first in their family to go to law school, it can be particularly challenging. Thus, our First Generation programming through our Office of Inclusion and Diversity Education and Academic Resource Center seeks to bridge gaps for incoming First Generation students to ultimately help them thrive during their time in law school and in their legal career, and ultimately helps us start meeting our institution's goals of improving access to a legal education.

¹ See generally Ellen Suni, *Academic Support at the Crossroads: From Minority Retention to Bar Prep and Beyond - Will Academic Support Change Legal Education or Itself Be Fundamentally Changed?*, 73 UMKC L. REV. 497 (2004).

² See generally *id.*

³ *Defining First-generation*, CTR. FOR FIRST-GENERATION STUDENT SUCCESS (Nov. 20, 2017), <https://firstgen.naspa.org/blog/defining-first-generation>.

⁴ Grover E. Cleveland, *Helping First-Generation Lawyers Thrive*, ABA L. PRAC. TODAY (Apr. 13, 2018), <https://www.lawpracticetoday.org/article/helping-first-generation-lawyers/>.

⁵ Kayla Molina, Giselle Garcia, J. J. Despain & Mario Vasta, *First-Generation Students Face Unique Challenges*, 48 STUDENT LAW. 19 (2020).

⁶ Susan K. Gardner & Karri A. Holley, *"Those invisible barriers are real": The Progression of First-Generation Students Through Doctoral Education*, 44 EQUITY & EXCELLENCE IN EDUC. 77 (2011).

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Mental Health Matters: Shattering the Cracks in Legal Education's Bones

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I. Understanding the Problem through Analogy

When a professional athlete breaks a wrist, tears a major tendon, or is placed in quarantine with COVID-19, the sports world waits in anticipation for when the injury will heal or the illness symptoms will subside. The injury is visible, sometimes occurring during live broadcast of the game, and the sports world does not question the harm to the athlete's physical condition or the need for recovery. Professional athletes are given time to heal, to seek treatment, and to mend themselves before being cleared to return to the highest level of competition. In law school, if one of our students has a physical injury or a physical illness which requires time away for healing, the school works to accommodate the student's need. Like the professional athlete, there is little need for the student to advocate for their injury when it is visible.

When an athlete is struggling mentally, however, fans and media are quick to critique them, expecting that the athlete "get over it," push on, and play the game. In late May 2021, Naomi Osaka withdrew from the French Open citing her mental health as the reason for withdrawal. While many tennis fans and certain media outlets were quick to question Osaka's reason, further stigmatizing the prioritization of mental health, several professional athletes came out in support of her decision to address her mental health. Supporting athletes expressed the understanding that it is impossible to perform at the top of the game when one's mental health is suffering. The outpouring of support for Osaka from other professional athletes highlighted the behind-the-scenes struggle professional athletes have with balancing their mental health needs against society's expectation that the athlete should push forward because the injury is invisible. There exists a similar tension between law students' mental health and the traditional expectations and pressures of the legal education system. This increases stress and inhibits students' ability to consistently perform at the top of their game.

II. The Legal Education Context

Legal education has not done enough to address the truth—that an individual's brain, like all other muscles, cannot function at an optimal level if it is weakened by mental stress, anxiety, depression, or substance use. Our expectations of our students mirrors professional athletes in many ways: we expect them to rigorously study and learn the law for a lengthy, three-year period to train their minds "to think like lawyers;" then, after having put them through the depths of this training, we place them into an intensive ten-week preparation period for their championship game—the bar exam.¹ Recent studies show that a law student's mindset matters when taking the bar exam. But if the law student's mental health deteriorates throughout law school, it is unreasonable to expect the law student to have the skills necessary to build a strong mindset when approaching the bar exam.

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2018 report showed that law students experienced higher levels of anxiety and alcohol abuse, than their graduate and undergraduate counterparts.² The Survey on Law Student Well-Being summarized that nearly one-quarter of student respondents reported binge-drinking two or more times within a two-week span, one-third reported street drug and prescription drug use, over one-third of respondents screened positive for moderate to severe anxiety, and one-sixth screened positive for depression.³

Mental health includes a broad range of issues that can manifest themselves in various ways. Treatment for mental health can sometimes be simple, such as finding new ways to prioritize tasks, integrating mindfulness, or practicing breathwork, but treatment can also be complex and require many months to address underlying issues or traumas triggered in the law school environment.

Law schools across the country have made some progress in addressing this crisis and its challenges, including incorporating mental health weeks into the curriculum, hosting events that promote awareness, inviting therapy animals to campus, and additional efforts to expand counseling services. Because of stigma and the overwhelming nature of a daily law school schedule, however, students tend to push available resources aside, either engaging in avoidant tendencies, by doing little or nothing to address their mental health needs, or resorting to dysfunctional coping mechanisms, such as substance use. This makes it more difficult for graduates to perform their best on the bar exam and potentially sets them up for long-term character and fitness issues as an attorney.⁴

Further, while increased struggles with mental health existed well before the pandemic, COVID-19 turned this issue into an emergency. When law school education moved online because of the pandemic in March 2020, the expectations of legal education persisted while the global population’s mental health rapidly deteriorated. A February 2021 report noted that the average share of adults reporting anxiety disorder increased from 11% from January through June 2019, to 41.1% by January 2021.⁵ Our students suffered through the additional pain caused by the pandemic, and the remote law school environment further exasperated their pre-existing struggles with mental health in the law school setting.⁶ Unfortunately, the game pressed on while many of the players were suffering internally with their mental health.

Law schools’ efforts to support student mental health should be acknowledged, but law schools need to do more to incorporate mental health support into law students’ daily lives. Like a devoted soccer player committed to staying on the pitch despite a stress fracture, our law students have remained on the field, but now the stress fractures that existed before COVID-19 are compound fractures. Our students can no longer continue in this state, and we must be proactive in prioritizing and acknowledging the severity of this issue. Ignoring a stress fracture is painful; ignoring a compound fracture can be debilitating for a lifetime. Thus, we are faced with a complex challenge that requires more resources. But the question remains, what more can be done?

III. Serving as an Advocate for Success

It is important for all constituents in legal education to embrace these truths. Academic support professionals are on the frontlines of many law school initiatives like retention, bar passage, and diversity and inclusion—which are all suffering from the impact the pandemic has had on our students. When we return to campus this fall, many in legal education will press on without dedicating sufficient time and resources to heal these

invisible injuries. The players in ASP need to be strong voices, persuading others to listen and to incorporate additional methods to help heal our students.

As we approach the return to “normal,” let us be mindful of the work that lays ahead. Advocating for resources for your department should also include requests for resources devoted to mental health, discovering avenues for mental health care, and promoting a law school culture that appears as responsive to mental health care as it does to physical health care. Find allies in unique places; spread and share the responsibilities to build a culture that represents all members in the mental health community. Discussions about mental health should not be isolated to student services and academic success: request to put mental health on a committee meeting agenda, request to speak with your administration about mental health, speak openly with your students about mental health. Use the Law School Student Well-Being Survey statistics,⁷ the survey’s suggestions, and research during the pandemic to strengthen your advocacy and find creative solutions that address your institution’s needs—for the success of the student, the institution, and the profession.

¹ Victor D. Quintanilla et. al., MINDSETS IN LEGAL EDUCATION: EVALUATING PRODUCTIVE MINDSET INTERVENTIONS THAT PROMOTE EXCELLENCE ON CALIFORNIA’S BAR EXAM (June 25, 2020), <https://www.calbar.ca.gov/Portals/0/documents/reports/Mindsets-in-Legal-Education-Executive-Summary.pdf>.

² Jerome M. Organ et. al., *Suffering in Silence: The Survey of Law Student Well-Being and the Reluctance of Law Students to Seek Help for Substance Use and Mental Health Concerns*, 66 J. LEGAL EDUC. 116, 128, 137 (2016)

³ *Id.* at 145.

⁴ Anne Chambers & Anne McDonald, *Substance and Other Addictions in the Legal Profession*, The Missouri Bar, <https://mobar.org/site/content/Articles/Addiction/Addictions.aspx> (last visited July 9, 2021) (“Approximately 40-70% of attorney discipline proceedings and malpractice allegations are linked to alcohol abuse or mental illness. Oregon’s Professional Liability Fund determined that more than 50% of the attorneys admitted to its alcoholism treatment program had already been sued for malpractice. Surveys taken in New York and California revealed 50-70% of all disciplinary cases involve alcoholism. Seventy five percent of attorneys who sought help with substance abuse problems in California in 2008 were also involved in disciplinary proceedings. Some states allow addressing a substance or mental health or substance concern to be considered as a mitigating factor for attorneys facing disciplinary action.”).

⁵ Nirmita Panchal et. al., *The Implications of Covid-19 for Mental Health and Substance Use*, KAISER FAMILY FOUNDATION (Feb. 10, 2021), <https://www.kff.org/report-section/the-implications-of-covid-19-for-mental-health-and-substance-use-issue-brief>.

⁶ Kathryn M. Young, *Understanding the Social and Cognitive Processes in Law School that Create Unhealthy Lawyers*, 89 Fordham L. Rev. 2575, 2579-2585 (2021) (detailing first-hand reports of law student’s classroom and law school experiences during the pandemic).

⁷ Organ, *supra* note 2, at 145.

Scholarship Fitness: Balance, Accountability, & Opportunity

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Apple's Fitness Rings are known for their ability to get people more actively engaged in their health. The Fitness Rings push people to their goals by encouraging them to close three rings: Standing, Move, and Exercise. In many ways, the addiction Apple has generated in millions to close these rings is what many consistent writers experience—a convergence of habits. The three major scholarship writing habits, or rings, are balance, accountability, and opportunity.

While there are many other habits important to building a consistent writing practice, balance, accountability, and opportunity are three that the absence of any one can make it very difficult to stay on target with any scholarship agenda. Balance is important for managing the substantial workload faced by Academic Success and Bar Preparation (AS/BP) professionals and one's desire to engage in scholarship. Accountability is important as a means of setting realistic goals by holding oneself accountable or partnering with others through writing groups and other mechanisms to provide much needed support and accountability. Finally, opportunity is important in identifying resources both inside and outside of one's institution, as well as strategies for identifying the right type of publication to fit your scholarship. However, to benefit from these writing habits, there are challenges associated with all three that should be considered. This article will discuss the three habits, challenges associated with them, and strategies to ensure one benefits.

Balance

Balance is the most pressing writing habit because one will likely not have the time to write without balance. Balance and its challenges can be broken into two parts—work and life. A group of AS/BP professionals the authors polled during the 2021 AASE Conference reported balance as the most significant inhibitor to them producing scholarship.

The challenges associated with work balance include the overwhelming desire to meet the ever-changing needs of today's law students. Meeting students' needs is extremely rewarding, yet complex as the needs of each new entering law school class vary. With the expansion and integration of AS/BP programs into the law school experience, students now begin engaging with AS/BP professionals as early as new student orientation, continuing throughout matriculation, and on to bar exam preparation.

As AS/BP programs continue to cement themselves into law schools, there is an increased reliance on the programs. This reliance often results in AS/BP professionals

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As/BA professionals serve as on-demand counselors and crisis managers for students. Additionally, AS/BA professionals have many other responsibilities, which include program development, committee service, tracking trends and best practices in legal education, and collecting, analyzing, and reporting on data related to bar exam readiness and performance. AS/BA professionals often shoulder a disproportionate responsibility for a school's bar passage rate. In addition to this professional responsibility, they also take personal responsibility for students' success due to the unique and meaningful relationships AS/BA professionals develop with students.

These challenges to finding work balance directly impact the health and wellness of AS/BA professionals. The on-demand, year-round work, spanning from new student orientation through the bar exam, leaves little time for rest, repair, or reset. This cycle often leads to burnout and noticeable turnover rates among AS/BA professionals. These challenges also dampen creativity, drain energy, and reduce the time available for AS/BA professionals to commit to scholarship and other professional development pursuits.

Essential strategies to establish work balance are centered on proper planning, advocacy, and execution. Collaborating with the faculty, administration, and other departments is vital to creating balance and to meeting the increasing need for student support because it creates additional resources for students and provides you with additional time. An integral step in collaboration is advocating for the needs of AS/BA. To effectively advocate, start by educating the law school community—students, faculty, and staff—on what the program does and how it fits into the law school experience. With the recent emergence of AS/BA programs in legal education, the reality is that some law professors and most new law students lack an understanding of the importance and objectives of modern-day academic support in legal education. This fact makes messaging early and often a necessity for AS/BA professionals. An effective way to reach the faculty and administration is through regular reports on what is happening in the program, brown-bag workshops, and presentations at faculty and committee meetings. Regular reporting, as opposed to crisis reporting, will help gain buy-in and support for the goals and objectives of the program, creating more balance. Advocacy, through effective messaging and regular reporting, can result in additional resources for the program, including added personnel, funding and support for professional development, and buy-in for developing a culture at the law school where constituents view AS/BA as an instrumental tool for student success. Applying these strategies will result in greater balance and more time to engage in scholarship.

With work more in balance following the above section's strategies, the challenges to life balance, particularly health and wellness, should follow suit. However, there are critical steps that can be taken to ensure life balance is present. It is critical to know the signs of stress and act accordingly to reduce it. Taking care of oneself is essential to avoid burnout and other stress-induced health related issues. Finally, be sure to prioritize projects, keeping in mind that Rome was not built in a day and that the end goal is developing good habits that can lead to successfully engaging in scholarship.

Accountability

Once you find the right balance, you need accountability to meet your goals. Accountability is critical to push one forward in one's writing goals. Unfortunately, in academic life, writing has the least amount of accountability. For example, teaching has built-in accountability in the form of workshop or class schedules, syllabi, final exam

“Once you find the right balance, you need accountability to meet your goals.”

dates, and grade deadlines. Writing has little built-in accountability: there is no constant deadline, other than a self-imposed deadline for you to create a draft, revise a draft, send to readers, or submit for publication. Even the deadline for submitting for publication can be flexible, with dates *ranging* in the Spring from February to April or in the Fall from August to October.

The challenge with accountability is that because there is no structural accountability, advice to create accountability tends to be a one-size-fits-all. The most common advice is to create personal accountability by calendaring writing time or setting page goals, but this advice is limited because it ignores that an individual may need different types of accountability. One's experience with internal and external accountability may explain why it may be difficult to set and meet goals.

Some do well with internal accountability and are often able to meet goals they set for themselves. But they may struggle with external accountability - those goals that are created or monitored by someone else (e.g., meeting a goal to publish created by an administrator). This is particularly true for those who question the reasons behind external requirements, especially when they see it as taking away time from other endeavors they find more valuable or rewarding.

Others flourish with external accountability where they stick to a goal when they have some external person or mechanism keeping them accountable. For these people, placing a goal on a calendar is not enough to accomplish it. Further, for some it may be even more difficult to achieve goals if they tend to put the needs of others before their own goals and don't have any external accountability.

Some need both internal and external accountability. They often find they can easily accomplish goals by placing it on a calendar and seeking external accountability. However, they may be so goal oriented that it is difficult to be flexible if things do not go as planned.

And finally, some do not respond to internal or external accountability. They may even challenge goal setting. Instead, they find that if the goal does not feel like a choice, freedom, or fun then they become resistant to accomplishing the goal.

To close the ring of accountability, it is helpful to think about one's experience with accountability and find options that work with that experience.

Those that need internal accountability might invest in a calendar or online tool specifically designed to move projects from idea to completion. Some hard copy calendars include the Passion Planner or Ink + Volt. They may find creating structure with page deadlines or timed writing is helpful.

Those that need external accountability and those that need both may consider accountability groups. Accountability groups take different forms. Some groups write together. Other groups check in periodically and discuss their projects. Some other groups read each other's drafts and give feedback. And some people just need a partner that they can do progress check-ins with. A seasoned writer who has lost focus might find check-in groups enough to reinvigorate their writing. A novice writer might find it valuable to join a group that writes together so they can see the habits of others or join a group to get feedback to validate their work or push a draft forward.

"It can be helpful when you are able to assert the importance of your writing project against the needs of others or share with them why this needs to be written."

Those who put the needs of others before their own may consider the “why” behind their writing projects. It can be helpful when you are able to assert the importance of your writing project against the needs of others or share with them why this needs to be written. Those who resist goals can also find this helpful because finding their why may help them find the passion to work on a project.

Finally, those who resist goals can create a list of writing tasks that they can choose from each day to create some choice in the writing project. The list of writing tasks includes brainstorming, research, outlining, drafting, revising, workshop, send to reader, create abstract, create publication cover letter, BlueBook citations, submit, and/or upload to SSRN.

Opportunity

Opportunity is the final healthy habit because once you find time through balance and consistency with accountability, you need to identify and secure the resources to push your project forward. It is necessary to examine the barriers to opportunity to close this final and intricate ring of scholarship fitness. When it comes to opportunities for scholarship, there are several challenges, many of which are directly tied to compensation and status issues experienced by AS/BP professionals. Simply put, the lack of opportunity resulting from compensation and status issues results in barriers to producing scholarship. Unlike traditional faculty positions, often AS/BP professionals do not have access to the same resources available to support the scholarship of tenure-track and tenured law school faculty. Resources include access to scholarship grants, other financial support, research assistance, dedicated time for scholarship, and mentoring. The lack of opportunity is also compounded by the need for additional AS/BP staff to deliver high-level programming while balancing the professional development needs of AS/BP professionals within law schools.

The first step is to reframe the lack of opportunity into a strategy for identifying internal and external opportunities to assist you in closing the final ring of scholarship fitness. To accomplish the strategies in this section, it is critical to start with securing meaningful buy-in for your scholarship area, which is much easier to gain if you can connect your topic to the needs of the law school and the university. Further, securing buy-in from various constituencies is required when seeking resources for scholarship. When seeking financial and research assistance for scholarship, look within the law school but also consider resources available at the university level. Many universities seek to enhance their national reputation by achieving preeminent status. Thus, universities invest in enhancing their research strengths by helping to solve problems critical to the institution, locally, nationally, and internationally. To that end, consider partnering with the University office of Academic Affairs, Assessment, or Institutional Research to establish support for your scholarship. Securing a research grant at the law school level, if you are eligible, can also serve to support your scholarship. External resources are also an area to explore, including organizations like AccessLex, as they regularly provide opportunities to apply for scholarship and research support. A final but critical strategy is to identify a mentor to help provide guidance about the scholarship process, aid you in establishing a network, and provide feedback on your scholarship when needed.

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Conclusion

Creating a habit of scholarship can feel daunting, but starting with the habits of balance, accountability, and opportunity are a tremendous start toward writing. Writing is a form of thinking and without the time, regiment, and support, writing becomes less likely to occur. Thus, as you set out to write consider if you are closing the rings of scholarship fitness to keep you going.

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What if/Maybe: Is It Time to Update Our Advice About Outlining?

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What if the conventional way of outlining, although time-proven technology, turned out not to be the best method of packaging an entire class worth of content for exam studies? In Academic Support circles, I think I just suggested the equivalent of overturning *Marbury v. Madison*, but bear with me. I am not suggesting that students shouldn't use this method; I'm just speculating that they don't have to use it all the time. This morning, as I contemplated putting together slides for an outlining class for our Accelerated JD students, I realized that a lot of what I have recently told students about outlining is not actually in my last version of the slideshow and maybe that is because what I am preaching is not actually the conventional format.

Normally, when I teach students about outlining, I do systematically explain how to use the syllabus or table of contents of your casebook as a starting point, I urge them to organize using rules, and then to use the magic FHR formula (facts, holding, rationale) to add cases that illustrate that rule. I tell students to add variants from other jurisdictions and outlier cases. I advise students to include some of the hypos from class (most often the ones from the professor and not their colleagues). If you follow these "rules" and the others I explain about timing, you should end up with your average, conventional, linear, written outline completed the same day classes end and ready for the reading period. We usually tell all students that this is best because the process is a way of studying and the product is what you study from. Win-win. All true-but maybe that is not all there is...

A few years ago, I added a section in my evolving outlining slideshow on flowcharts. I loved the idea that flowcharts would add a rhythm to understanding how to answer an exam question. I analogized this to being the track and field assistant who needs to put the hurdles up on the field at various points before the big meet. The hurdles are just the legal issues that need to be dealt with--in the order they need to be addressed--to finish the run of the question. Elemental courses--like criminal law and torts--really lent themselves to this kind of study method. And so did contracts, because it was almost completely linear: formation, terms, breach, remedies--and the big arrows for when a contract isn't formed, but there are some remedies available like quantum meruit. Who doesn't love the big arrow moments in law? Yet, at that time, I cautioned students that this was an add-on and should not be done in lieu of the conventional outline. And now I think I was wrong.

An annotated flowchart (with cases and statutory rules) can be a wonderful study tool. Not only that, but the process of putting it together is a great way to understand the content of a course and, more importantly, the nexus of the issues and cases (or lack thereof!) to answer a question about that area of law. Think about negligence per se as an example of a side box on an annotated flowchart of negligence. Students are usually very excited to spot the issue and apply the rule, but a flowchart helps them move beyond a finding of negligence per se and remember to finish the rest of the remaining

"Students are usually very excited to spot the issue and apply the rule, but a flowchart helps them move beyond a finding of negligence per se and remember to finish the rest of the remaining elements because negligence per se is a shortcut but not the entire route."

elements because negligence per se is a shortcut but not the entire route. A flowchart can remind students to give complete answers on exams, and complete answers are always better.

More recently, I have gently dipped my toes into the idea of using something like Prezi as one way of making an outline that is essentially both linear and a flowchart. According to the University of Oregon, "Prezi is a presentation tool that can be used as an alternative to traditional slide making programs such as PowerPoint. Instead of slides, Prezi makes use of one large canvas that allows you to pan and zoom to various parts of the canvas and emphasize the ideas presented there. Prezi supports the use of text, images, and videos...."¹ Prezi is free for students and is ideal for people who need to keep the big picture visible while attending to the details. Your entire conventional outline is tucked into one slide that shows the entire flow of the course. One downside is that all that wonderful fluid interactivity can bring on motion sickness for some (like me). The other major downside is that on an open book exam that is in person, on paper (remember those?), you and your Prezi will be separated at the exam room door. That being said, just undertaking the organization needed to make a Prezi for an entire course or section of a course can be a very meaningful way of studying. Just seeing how it all fits together is the kind of contextualization that students are always trying to master.

My current understanding--having run this track more than a few times (symbolically, because trust me, I don't really run) -- is that different students may find different ways of "outlining" helpful depending on who they are, how they are taught, and what class they are in. Maybe an annotated flowchart or an interactive Prezi is a better study tool for some students in elemental or linear classes like civil procedure, torts, criminal law, evidence, and contracts. Maybe a conventional outline is best for property and constitutional law which tend to be a little more nebulous. Maybe we need to tell students that there are alternatives in outlining and that the beginning weeks of law school are a good time to experiment a little with what helps them best retain and use what they are learning. If there is one thing I have learned during this last year of teaching academic support, it is that we need to get comfortable in the discomfort of "maybes." So, while the standard outlining method can certainly work for just about any class, we need to be open to the idea that just maybe they do not work for all our students.

"Maybe we need to tell students that there are alternatives in outlining and that the beginning weeks of law school are a good time to experiment a little with what helps them best retain and use what they are learning. If there is one thing I have learned during this last year of teaching academic support, it is that we need to get comfortable in the discomfort of 'maybes.'"

¹ <https://is.oregonstate.edu/executive-summary/prezi> (last accessed May 25, 2021)

Reflections on Student Connections in a Remote World

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It is May as I write this, which means I successfully completed my first full semester as Director of Bar Preparation. During this past semester, due to this remote environment, I only met about a handful of our law school student body in person. As I now transition to summer bar prep, I want to first reflect on this unique remote teaching experience. In part, it is great to see how we can continue on in this remote world. I cannot count how many times I told my students I was proud of them for their resiliency. However, keeping the world turning virtually is not without challenges, and it comes at a steep price. One of the highest costs is losing that personal connection, especially when you do not have a previous in-person foundation to build upon. It is worth the time and effort to find ways to build those student connections because those connections contribute to fostering academic success and bar passage.

I started my position at North Carolina Central University School of Law in the middle of the COVID-19 pandemic. When I arrived, the remote Fall semester was wrapping up. The faculty were remotely working, and staff and administration were in a hybrid setup until mid-March, when we returned full-time. Even with being full-time in the building, it was still a challenge to make personal connections as we remained in our separate offices with closed doors in order to social distance.

Fortunately, as a graduate of the law school, I was familiar with many places and people (though I am still challenged to call some of my former professors by their first names). Classes remained online, and while students could now access the building to study, few chose to enter. While I walked the hallways and peeked into the staff and faculty lounges I now had the authority to enter, silence echoed around me. In my memory, the law school was a lively place, full of study groups in rooms and students popping in and out of professors' offices.

When a student did come to the law school, it was a treat to see them in person. An introduction was often required (for both the student and me), as seeing someone's face on a Zoom screen did not always translate to recognizing that person's face covered by a mask, even if they were standing right in front of me (six feet away). I was thankful for those rare opportunities to speak with students who came to the law school, as those in-person moments only helped build upon a foundation that previously solely existed online.

An online foundation, however, is better than no foundation at all, and it had to start somewhere. During my first week of work I was introduced to the students by hosting a "Lunch & Bar Talk" via Zoom. The intent was to both become acquainted with the 3Ls and 4LEs (evening students), as well as address frequently asked questions about the bar exam application process. Our Associate Dean of Academic Success, Kia Vernon, first shared my background and legal experiences with the attendees, and I made sure the PowerPoint slides included a picture of my two dogs. I wanted to share pictures of my dogs because my Civil Procedure professor did the same thing on my first day of law school. I remember thinking how great it was that she was a dog owner, too, so I hoped someone out there felt a connection based upon our equal appreciation of dogs. Plus, I may be biased, but I think my pups are pretty cute to look at. After my introduction, I ran the rest of the program and answered questions. Individual foundations continued to build following that session, as several one-on-one appointments developed from the Lunch & Bar Talk.

Other ways I built online foundations with students were accepting invitations. I was asked by the 2L class to host a bar talk, which I was happy to do. Similarly, I was invited to speak with a professor's 1LE students so they could start thinking about the bar exam as early as possible. I believe these opportunities will only be helpful in continuing to build relationships when I see those students in the coming fall semester in person and throughout their law school careers.

Another invitation I was happy to accept was being a guest on the "How to Get Away with Law School" podcast, which is

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co-hosted by Dean Vernon and 2L (now rising 3L) Maria Cook. As a podcast listener myself, I know how helpful a tool podcasts can be to build relationships with listeners. Hosts I regularly tune in to become trusted friends. I value their opinions and the guests they choose to bring on their show. Thus, I was both excited and humbled to be asked to be a part of this series, which also allowed me to reach an audience beyond our law school. I made sure to share the episode link wherever I could, from my Bar Preparation and Support course page to those bar talks.

Spring classes were also conducted remotely via Zoom, and I taught two. One of the biggest challenges I faced as a remote instructor was making the personal connection with students while in the Zoom classroom. I had 70 3L students in my Comprehensive Legal Analysis (CLA) course, and I couldn't even see everyone on the screen at the same time while giving my lectures. I did get to know the students who would answer my Monday “How was your weekend?” question or those who made comments or asked their own questions. This was also limited, though, as I found the same few typically spoke up (and thank you to them for speaking so it was not just me talking to myself).

However, when a student asked to meet in my virtual office hours, the one-on-one connection flowed. Speaking with one student at a time never stopped being exciting. Those meetings allowed us to have a better understanding of each other as humans, both doing our best during an unknown and challenging time, rather than faces on a computer screen or device. I learned that having the opportunity to talk individually with each student paid dividends going forward. We were able to invest time and energy in a way that felt real, even if digitally. Email correspondence from students with questions also helped grow more of that personal connection, even if we were not speaking out loud to each other. Once the door to communication opened, it remained open.

In the future, I would transition the “How was your weekend?” question (or something like it) posed out loud to a virtual poll that could lead to a discussion. Virtual polls seem to be a low risk way to provide someone feedback. It keeps engagement going without feeling specifically called out to speak. I have since attended conference sessions that utilized real-time polls. As a participant, I found this element engaging, so it is something I would want to bring to an online classroom environment. Encouraging discussion in the chat also seems more inviting to those who do not feel comfortable speaking out loud. In addition to using a virtual poll to ask students how they are doing in general, it would also be useful to gauge their comfort level with the assignments completed prior to class. Especially because it can be anonymous, this could be a good way for students to share how they really feel about a topic.

I did find that students I met with one-on-one or students who spoke up in class one time were more inclined to continue speaking up. If I were to do this again, I would reach out to each of my students individually via email, inviting them to schedule a Zoom appointment. When I was a law student, I made sure to stop by my professors' office hours, especially at the beginning of the semester to introduce myself. Even with my posted office hours, the online environment perhaps makes office hours more difficult for students to navigate. It requires them to think about a virtual space that exists at a certain place and time (a link they click) rather than a hallway they can simply walk down between classes. Thus, sending an invitation feels like an easy way to extend an opportunity to build that foundation.

Unlike my large CLA course, my Advanced Legal Analysis course had only 16 students. Having the ability to see everyone on the screen at one time made a world of a difference because it felt the most like being in a classroom. Taking the beginning of class to greet every student was something I appreciated and enjoyed. Additionally, because I was able to take attendance by greeting each student rather than through a link, if someone appeared to be running late, it allowed me to continue talking with the rest of the students for a minute or so until the late student showed up to officially start class. I liked being able to offer this small bit of grace to a student, especially during the pandemic.

I also had some 2Ls in this course, so I look forward to continuing to work with them next year, building upon our pandemic foundation, as they prepare to graduate and take the bar exam in 2022. In the fall semester, while our classes will be in person, I will take these lessons learned with me into the physical classroom environment. I think using real-time polls to facilitate discussions will be useful, especially as a transition from an online platform to in-person environment.

On the bar examination front, many jurisdictions decided they would administer their February 2021 bar exams remotely. North Carolina was one such jurisdiction to make that call. Funny enough, this was the best opportunity for personal interactions. We hosted 10 graduates at the law school, giving them individual rooms to take their bar exams. Additionally, we served them snacks and lunch and offered a familiar and friendly place to take such a high stakes exam. While I had emailed these bar takers for months, and virtually saw some of them during our weekly winter supplemental bar prep program, Invest in Success, it was so exciting to see them in person on the first day of their bar exam. We were all wearing masks and remained socially distant, but it was still great to see everyone's (partially covered) faces in real life rather than a video screen. It felt as personal as we could get during the pandemic, which, after almost one year of the world changing, felt like something everyone wanted. The gratitude expressed by those exam-takers is one of the most special memories I have from my first semester.

The virtual Invest in Success program was successful that winter. One of the ways it was most positive for our graduates was it allowed more live participation for those who would not have been able to come to the law school in person. For example, one graduate was able to virtually attend from California. Additionally, because the February bar exam group is traditionally fewer people than the July bar exam one, this smaller group of regular attendees created a more comfortable, relaxed environment where participants seemed more inclined to share their thoughts, feelings, and experiences in studying for the bar exam. In the future, if I had a bigger group, I would try using breakout rooms to simulate a smaller (perhaps more comfortable for discussion) space.

This summer, as the world opens up a bit more with vaccinations, we are looking for ways to safely maximize in-person meetings for the summer Invest in Success program. We also plan on hosting as many graduates as possible for the remote July 2021 bar exam. The remote bar exam brings additional stresses, but I know seeing our graduates on test day in our law school, and having them see us, will help relieve some of that stress. From February, I learned you build a strong connection with someone when you show up for them, even if that is the first time you are ever meeting in person. After the exam, one of those bar takers sent me a heartfelt email expressing her appreciation to everyone at the law school who assisted with the bar examination.

This fall semester, we will be sure the students see all of the ways our Office of Academic Support is here for them. To celebrate their return, we plan on greeting them to our suite with coffee, snacks, and jazz music, which is an extension of what we are currently providing our bar takers studying at the law school.

Looking forward to the Fall 2021 semester, I imagine the halls will be full of excited voices rather than the echo of my own footsteps on the floor. I cannot wait to meet the rest of our law school students in person, as well as our incoming 1L class. I know establishing relationships with students furthers their academic success, so building these student connections is invaluable. I met with a student last semester to discuss a low grade on an assignment. This student continued to need grace while managing remote learning, and I continued to extend it. In that meeting we talked about some additional resources the student could use, and I followed-up via email to ask what the student thought about those resources. It was great to continue our dialogue and for me to show the student I was interested in the outcome.

By the end of the semester, the student ended up with a high grade in the class. I look forward to both seeing this student in person in the fall and to continue working together through bar prep. Overall, I am grateful for the opportunity remote teaching gave me last semester, and I will take these first semester experiences with me into my post-pandemic classroom.

The Editors

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The Learning Curve is published twice yearly, once in the Summer/Fall and once in the Winter/Spring. We currently are considering articles for the Winter/Spring 2022 issue, and we want to hear from you! We encourage both new and seasoned ASP professionals to submit their work.

We are publishing a general issue so we are considering all ideas related to academic support. If you have a classroom activity you would like to share, individual counseling techniques, advice for the academic support professional, and any other ideas, we want to hear from you!

Please ensure that your articles are applicable to our wide readership. Principles that apply broadly—i.e., to all teaching or support program environments—are especially welcome. While we always want to be supportive of your work, we discourage articles that focus solely on advertising for an individual school's program.

Please send your article submission to LearningCurveASP@gmail.com by no later than **Sunday, October 31, 2021**. (Please do not send inquiries to the Gmail account, as it is not regularly monitored.) Attach your submission to your message as a Word file. Please do not send a hard-copy manuscript or paste a manuscript into the body of an email message.

Articles should be 500-2,000 words in length, with light references, if appropriate. Please include any references in a references list at the end of your manuscript, not in footnotes. (See articles in this issue for examples.)

We also welcome applications to join the editorial board for a three-year term, in which you would serve as executive editor in your last year. Please send a short statement of interest and your resume to Susan Landrum at slandrum@nova.edu by **August 31, 2021**. Feel free to email her with any questions, as well.

We look forward to reading your work and learning from you!

-The Editors

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About The Learning Curve

The Learning Curve is a newsletter reporting on issues and ideas for the Association of American Law Schools Section on Academic Support and the general law school academic support community. It shares teaching ideas and early research projects with a focus on models and learning environments that create positive learning experiences for law students.