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Law School in a Pandemic Ungrouped:

How Online J.D.
Experiences Varied
Across Students

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INTRODUCTION

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“Necessity is the mother of invention” — that adage seems fitting for the momentum around distance learning in legal education. Prior to the COVID-19 pandemic, most law schools had limited experience with online education. The American Bar Association (ABA) regulations limited distance education course credits to one-third of the total required for J.D. attainment with no more than 10 credits allowed in the first year, and only five law schools had obtained a variance allowing them to offer hybrid J.D. programs exceeding those limits.¹ But the global disruptions and tragedies of the pandemic upended the status quo, forcing us all to rethink commonplace practices and find new ways to forge ahead amid quarantine and social distancing protocols. For many law schools, this meant delivering courses and student services online for the first time ever.

Since the initial emergency remote teaching response that typified legal education in the 2020-2021 academic year and Fall 2021 term, law schools have largely resumed on-campus instruction. But this does not mean distance learning is going away. There has been a proliferation of newly announced hybrid J.D. programs since 2020, and St. Mary's University School of Law launched the first fully online J.D. program in Fall 2022.² In February 2023, the ABA Section of Legal Education and Admissions to the Bar has proposed expanding the distance education course credit limit from one-third to one-half.³ And emerging research indicates law students are largely satisfied with online learning experiences being offered today.⁴

¹ Lilah Burke, *Faculty and Pedagogy in the Hybrid J.D.*, INSIDE HIGHER ED (Oct. 2, 2019), <https://www.insidehighered.com/digital-learning/article/2019/10/02/how-instructors-have-shaped-curricula-two-hybrid-jd-programs>.

² Christine Charnosky, *More Law Schools Launch Hybrid JD Programs*, LAW.COM (Jan. 19, 2023, 4:42 PM), <https://www.law.com/2023/01/19/more-law-schools-launch-hybrid-jd-programs>; St. Mary's Law Launches the Nation's First Fully Online J.D. Program Approved by the ABA, ST. MARY'S UNIV. (Sept. 14, 2021), <https://www.stmarytx.edu/2021/online-jd-launch>.

³ Memorandum from Joseph K. West, Council Chair, and William Adams, Managing Dir. of Accreditation & Legal Educ., Council of the Section of Legal Educ. and Admissions to the Bar 1-2 (Feb. 23, 2023), https://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/council_reports_and_resolutions/feb23/23-feb-council-notice-and-comment-memo.pdf.

⁴ LAW SCH. SURV. OF STUDENT ENGAGEMENT, SUCCESS WITH ONLINE EDUCATION 9 (2022), <https://lsse.indiana.edu/wp-content/uploads/2022/10/Success-with-Online-Education-Final-10.26.22.pdf>; Stephanie Francis Ward, *Law Students Want More Distance Education Classes, According to ABA Findings*, ABA J. (July 21, 2022, 1:28 PM), <https://www.abajournal.com/web/article/law-students-want-more-distance-ed-classes-according-to-aba-findings>.



Our own 2022 report with Gallup, *Law School in a Pandemic, Year 2: Moving from Emergency Remote Teaching to Emerging Best Practices in Distance Legal Education*, revealed that students who took half or more of their J.D. courses online a year after the pandemic were nearly just as satisfied with their J.D. program as students whose courses were mostly or completely in-person.⁵

After we released the report, several readers contacted us to inquire about demographic differences in the responses to the survey questions underlying our findings. This research brief serves as an addendum to the report to demonstrate how law student experiences during the pandemic varied across certain student characteristics — race/ethnicity, caregiver status, enrollment status, age, and law school tier — and the implications for delivering quality, equitable distance legal education. Its findings are based on data generated from our *Law School in a Pandemic* report series, produced jointly with Gallup. The series comprises two publications: the 2021 report, *Law School in a Pandemic: Student Perspectives on Distance Learning and Lessons for the Future*, and the aforementioned 2022 report.

The results of the 2021 survey highlighted a sharp and understandable decline among students in the perceived quality of their legal education. But these feelings were not shared equally among the various student subgroups. For instance, while only 6% of students at tier-one law schools (based on *U.S. News & World Report* rankings) would highly recommend online J.D. courses to friends and family, 15% of students at tier-four law schools would promote online learning. Similarly, the 2022 survey results found that students attending tier-four law schools were more likely to report having meaningful interactions with professors in online classes compared to students attending tier-one law schools — 48% and 32%, respectively. These differences and others shared in the report series prompted us to further explore possible subgroup differences in student perceptions of their pandemic and subsequent online learning experiences. We present the most noteworthy findings in this report.



Distance education will continue to play a prominent and likely increasing role in the delivery of the law school curriculum. Therefore, the more we know about the student experience, overall and among various subgroups, the more law schools will be able to leverage the benefits of distance learning while minimizing the downsides.



METHODOLOGY

To examine differences in perceptions of online learning across law student characteristics, we use two different approaches — one for each academic year analyzed. To analyze the 2021 survey results, we use multinomial logistic regression modeling. This approach allows us to compare responses within each subgroup while controlling for other student characteristics being analyzed. For example, we can compare responses across age groups while controlling for race/ethnicity and enrollment status. Differences between groups are described in terms of their comparative likelihood to select a survey response (e.g., “part-time students are twice as likely as full-time students to report...”).

For the 2022 survey results, we use descriptive analyses to examine subgroup differences. Because the 2022 sample is much smaller, and unlike the 2021 sample, is not representative of the full population of law students enrolled that academic year, descriptive statistics are more appropriate. This approach does not control for other factors and instead shows simple comparisons of the frequency of responses within subgroups (e.g., “X% of full-time students, compared to Y% of part-time students”). Unless otherwise noted, the 2022 analyses include all students irrespective of their instructional mode.

⁵ GALLUP AND ACCESSLEX INST., *LAW SCHOOL IN A PANDEMIC, YEAR 2*, at 10 (2022), <https://www.accesslex.org/law-school-in-a-pandemic-year-2>.

Below are the student characteristics we use to distinguish the subgroups:

- RACIAL AND ETHNIC IDENTITY:** Each student was grouped within one of the following two categories: Represented or Underrepresented. Non-Hispanic students who identified as either Asian/Asian American or White were grouped within the Represented category. Students who identified as either Hispanic or as a member of a racial group other than Asian/Asian American or White were grouped within the Underrepresented category.
- CAREGIVER STATUS:** Each student was grouped within one of the following two categories: Caregiver or Non-caregiver. Students who identified as a parent/guardian of at least one minor child or as a provider of care for an adult family member were grouped within the Caregiver category. All other students were grouped within the Non-caregiver category.
- ENROLLMENT STATUS:** Respondents were grouped within one of the following two categories based on their enrollment status during the 2020-2021 academic year: Full-time or Part-time. *Due to the small number of part-time students in the 2022 survey, we do not analyze this subgroup for the 2021-2022 academic year.*
- AGE:** Respondents were grouped within one of the following four categories based on their age during the 2020-2021 academic year: 24 or younger, 25-29, 30-34, and 35 or older. *For the 2021-2022 academic year, we sometimes group by 29 or younger and 30 or older, due to sample size limitations.*
- LAW SCHOOL TIER:** Respondents were grouped within one of the following four categories based on their law school's ranking on the 2021 U.S. News Best Law Schools list: tier-one (T1), tier-two (T2), tier-three (T3), or tier-four (T4).
- INSTRUCTIONAL MODE:** For the 2021 survey, respondents were grouped within one of the following three categories based on how their courses were delivered during the 2020-2021 academic year: mostly or completely online; equally online and in-person; or mostly or completely in-person. Due to the smaller sample size and the smaller number of students taking classes mostly or completely online in 2021-2022, respondents to the 2022 survey were grouped between those who only took in-person classes and those who had any level of online instruction.



OVERVIEW OF SURVEY RESPONDENTS

A total of 1,739 students responded to the 2021 survey. Of those respondents, 820 who were still enrolled in law school a year later completed the 2022 survey. Table 1 summarizes survey respondents by subgroup in each survey year.



Table 1: Overview of Respondents to 2021 and 2022 Surveys. Demographics and law school type were similar for students across the 2021 and 2022 survey samples. However, while most respondents in 2022 reported taking J.D. courses mostly or completely online, most respondents in 2021 took at least half their courses online.

	Survey Respondents			
	2021		2022	
Race/Ethnicity				
Underrepresented	26.0%	452	23.4%	192
Represented	72.6%	1,262	75.2%	617
Not reported	1.4%	25	1.3%	11
Age				
24 or younger	22.9%	399	14.8%	121
25-29	52.4%	912	58.9%	483
30-34	15.2%	264	15.0%	123
35 or older	8.2%	143	10.1%	83
Not reported	1.2%	21	1.2%	10
Parent/Caregiver				
Caregiver	87.6%	1,523	89.5%	734
Non-caregiver	12.2%	212	10.5%	86
Not reported	0.2%	4	--	--
Enrollment Status				
Full-time	94.5%	1,644	94.1%	772
Part-time	5.2%	91	5.9%	48
Not reported	0.2%	4	--	--
Law School Tier				
Tier-one	38.9%	677	40.2%	330
Tier-two	24.9%	433	24.6%	202
Tier-three	21.3%	371	22.1%	181
Tier-four	14.8%	258	13.0%	107
Mode of Instruction (Frequency)				
All or mostly in-person	9.9%	173	80.4%	659
Equally online and in-person	54.7%	952	12.2%	100
All or mostly online	35.1%	611	7.4%	61
Not reported	0.2%	3	--	--
Mode of Instruction (Type)				
All in-person	--	--	35.6%	292
At least one online course	--	--	64.4%	528
Total	100.0%	1,739	100.0%	820

Students who chose not to report their status in any of the above categories are excluded from the analyses for that subgroup.

FINDINGS

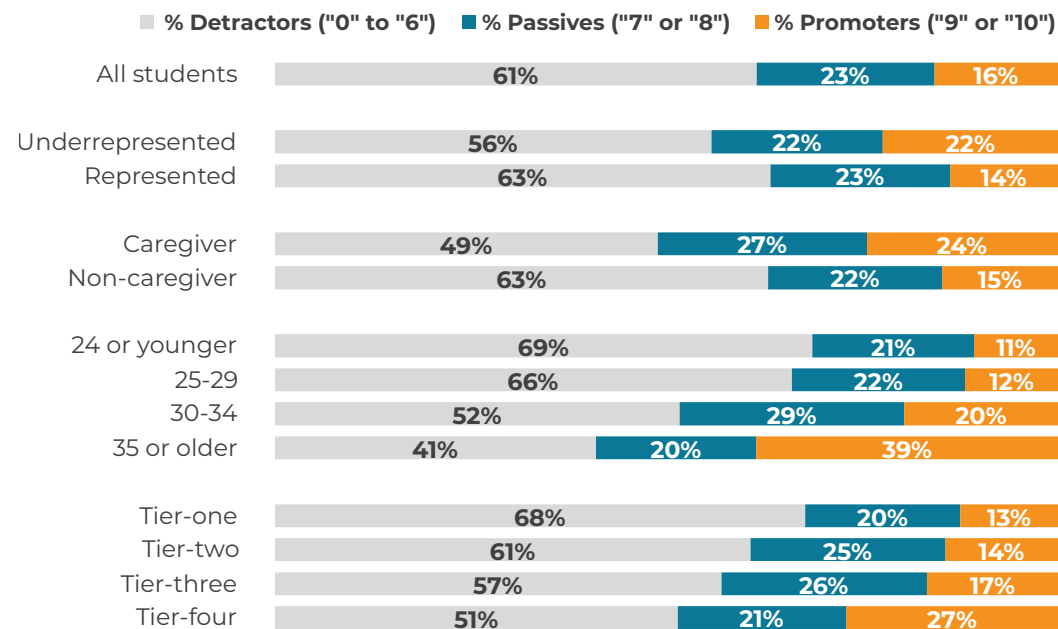
Satisfaction with Online J.D. Courses

Both surveys asked respondents to rate their likelihood of recommending online J.D. courses to family, friends, and colleagues. Our analysis of the 2021 survey results found that **part-time students, students attending T4 schools, and students ages 30 and older were more likely to promote online J.D. courses.** Students enrolled part-time were 2.6 times as likely as full-time students to be promoters than detractors of online J.D. courses, and students attending T4 schools were twice as likely as students attending T1 institutions. Likewise, students ages 30-34 were nearly twice (1.9) as likely and students ages 35 and above were 2.1 times as likely as students aged 24 and younger to promote online J.D. courses. There were no significant differences between racially/ethnically represented and underrepresented students, nor caregivers and non-caregivers.

Despite having a smaller, non-representative sample in 2022, it appears these trends still held a year later for students ages 30 and older as well as those attending T4 schools. However, caregivers were the exception — a larger percentage of caregivers (24%) than non-caregivers (15%) would recommend online J.D. courses to their family and friends.



Figure 1: Likelihood to Promote Online J.D. Courses. In 2022, students ages 35 and older and those attending T4 schools were most likely to promote online courses.

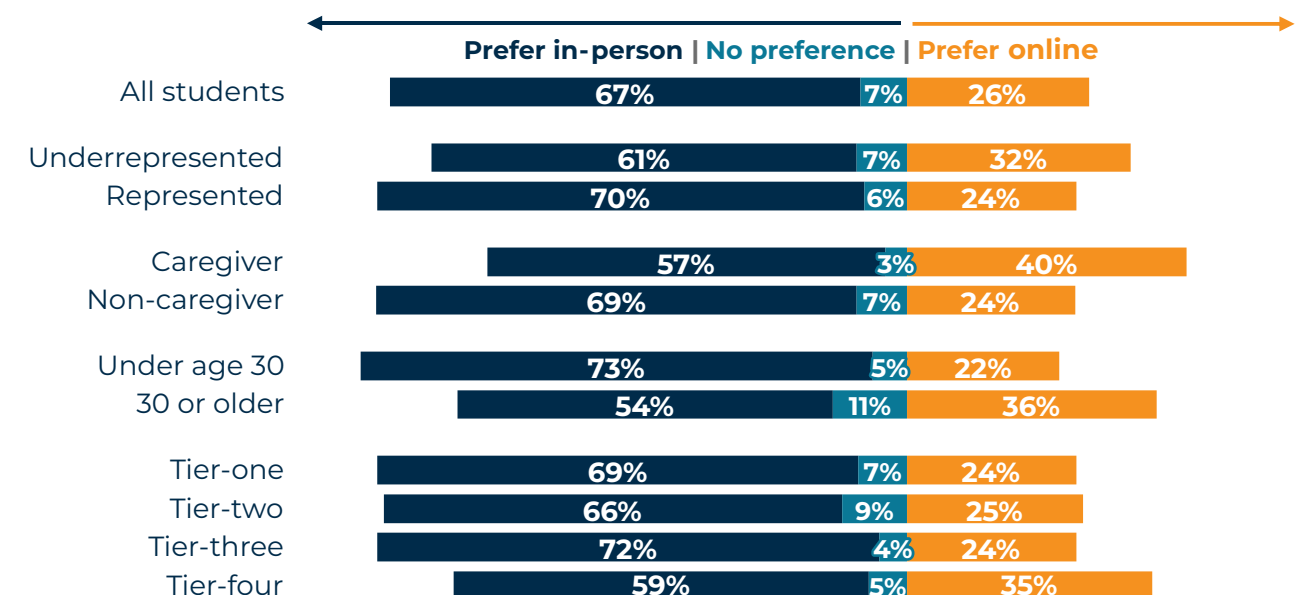


Students were also asked about their preferences for online vs. in-person courses. Our analysis of the 2021 survey respondents did not find meaningful differences among any of the subgroups of interest. However, our analysis of students who were reinterviewed in 2022 and took at least one course online suggests that **underrepresented students, caregivers, students ages 30 and older, and students attending T4 law schools may have more of a preference for online J.D. courses compared to their counterparts.** Thirty-two percent of underrepresented students compared to 24% of racially/ethnically represented students indicated a “strong” or “moderate” preference for online J.D. courses. Compared to non-caregivers (24%), 40% of caregivers reported a preference for online J.D. courses. A similar proportion of students ages 30 and older (36%) reported a preference for online J.D. courses compared to 15% of students under 30. Among law school tiers, slightly more than one-third of students (36%) attending T4 schools preferred online J.D. courses compared to a quarter (25%) of students attending T1 schools and 24% of students attending T2 and T3 schools. This trend is consistent with findings in the report series that students at T4 schools generally reported more positive online experiences during the pandemic than students at other institutions.

Despite the differential preference for online courses observed among these subgroups, the majority of students reported a preference for in-person learning. The lowest percentage reporting a preference for in-person courses was 54%, observed among students at least 30 years of age.



Figure 2: Preferred Instruction Mode. In 2022, students who were caregivers, aged 30 and older, or attending T4 law schools reported a preference for online courses at higher rates than other students. But in-person learning was preferred among all groups.



Perceived Quality of J.D. Programs During the Pandemic

As the report series shows, student perceptions of the quality of their J.D. program experiences evolved as law schools transitioned from emergency remote teaching at the beginning of the pandemic to more nuanced delivery models when it was safe to return to in-person learning. The 2021 and 2022 surveys asked several questions to assess how students perceived the quality of their J.D. program at various points in time. The 2021 survey, administered when law school courses were primarily delivered online, asked respondents to rate the quality of their J.D. program in Spring 2021 compared to the beginning of the pandemic. **Underrepresented students, part-time students, and students ages 35 and older were more likely than their counterparts to report the quality of their J.D. program had improved since the beginning of the pandemic.** Specifically, underrepresented students were 1.5 times more likely than represented students, part-time students were 1.8 times more likely than full-time students, and students ages 35 and older were 2.7 times more likely than students ages 24 and younger to perceive program improvement.

The survey also asked about the quality of the J.D. program outright. In Spring 2021, **part-time students were twice as likely to rate their J.D. program “good” or “excellent” compared to full-time students, and students ages 35 and older were more than twice (2.8) as likely as students under the age of 25 to do the same.** There were no significant differences in quality reports among the other subgroups.

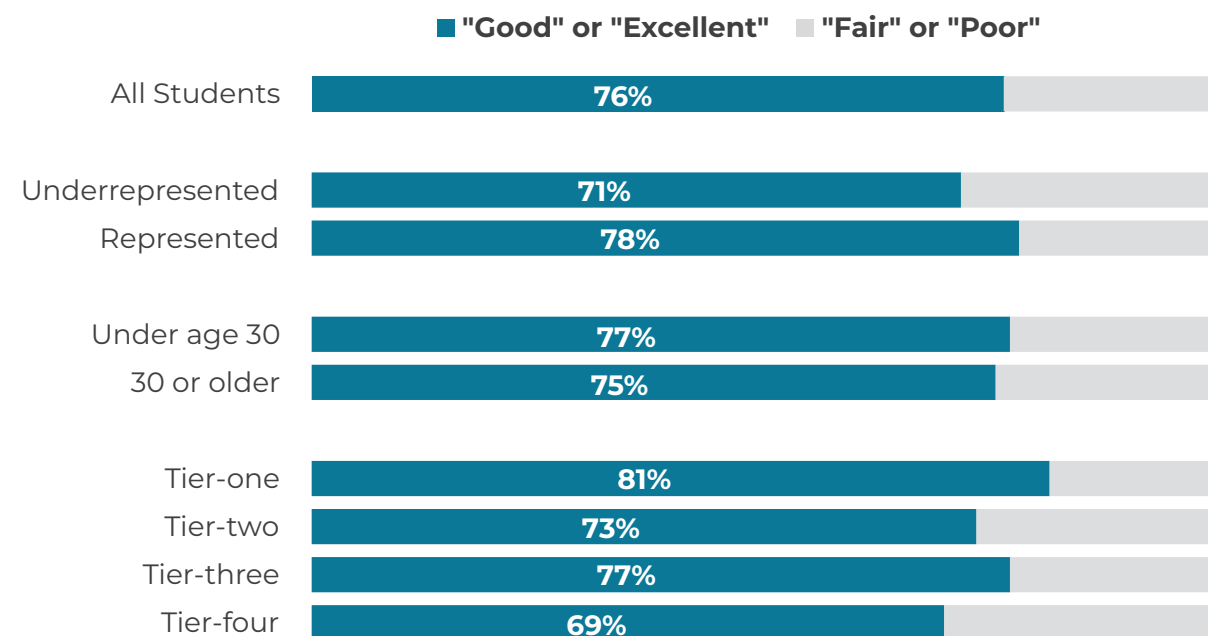
As highlighted in the 2022 report *Law School in a Pandemic, Year 2*, students rated their J.D. programs higher in 2022 than in 2021, irrespective of their instructional mode in 2022. In 2021, 76% of those who were mostly or completely in-person rated their program “good” or “excellent” compared to 51% of those who were equally in-person and online and 57% of those who were mostly or completely online. In 2022, those percentages were 78%, 73%, and 72% respectively. These findings are consistent with the Law School Survey of Student Engagement (LSSSE) report, *Success with Online Education*, which summarized the 2022 annual survey results on distance learning. According to the report, 77% of students rated their educational experience “good” or “excellent,” and 76% gave their online courses the same ratings.⁶

Although these trends held true across all subgroups, we found that of the students who had at least one online course, **underrepresented students and students attending T2 and T4 schools rated their J.D. programs as “good” or “excellent” at slightly lower rates compared to their counterparts.** (Due to sample size limitations when examining subgroups by instructional mode, we only evaluated the race/ethnicity, age, and law school tier subgroups.)



For the racial/ethnic identity subgroup, 71% of underrepresented students compared to 78% of represented students rated their J.D. program as “good” or “excellent.” Differences between students by law school tier were similar. Among those who had at least one online course in 2021-2022, 81% of students attending T1 law schools rated their program “good” or “excellent” compared to 72%, 77%, and 70% of students attending T2, T3, and T4 schools. Considering that students at T1 and T3 schools were less likely to rate their J.D. program highly at the height of the pandemic during the 2020-2021 academic year, perhaps the move to more in-person learning had greater influence on their program rating than for students at T2 and T4 law schools. Alternatively, students attending T2 and T4 schools may have rated their programs slightly lower due to having more courses online in the 2021-2022 academic year. While 90% and 80% of students attending T1 and T3 schools reported taking courses mostly or completely in-person in 2022, 72% and 67% of T2 and T4 students did the same.

Figure 3: Program Quality. Among students who took at least one online J.D. course in 2022, a lower percentage of underrepresented students of color and students attending T4 schools **rated their J.D. programs “good” or “excellent.”**



⁶ LAW SCH. SURV. OF STUDENT ENGAGEMENT, *supra* note 4, at 9.

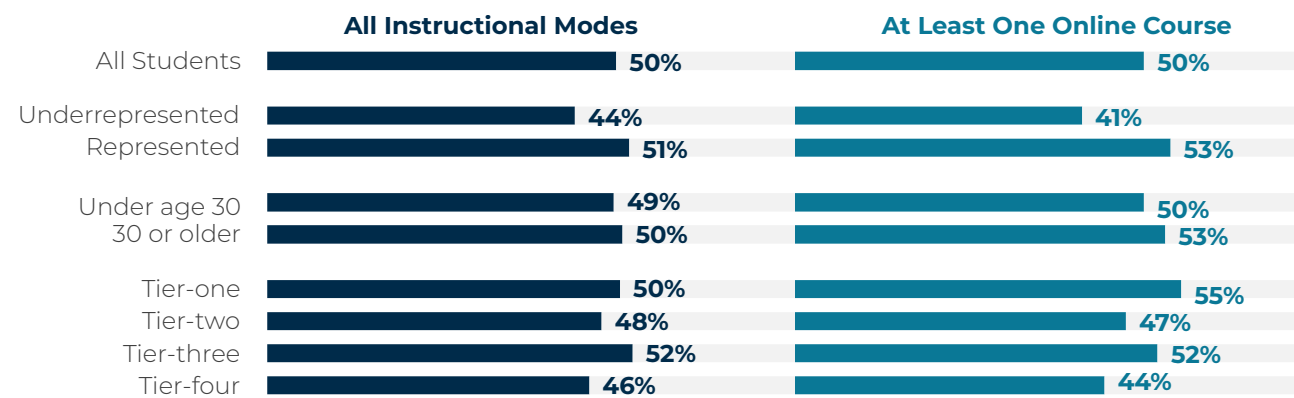


Perceived Value of J.D. Programs During the Pandemic

As with law school quality, **we find that in 2021, part-time students and students ages 35 and older rated their J.D. programs more favorably in terms of value.** Compared to full-time students, part-time students were 1.6 times as likely to agree or strongly agree their J.D. program was worth the cost; and compared to students under the age of 25, students ages 35 and older were 1.8 times as likely to agree or strongly agree with this statement. In addition, **students attending T4 law schools were 50% (1.5 times) more likely than students attending T1 schools to agree or strongly agree their J.D. program was worth the cost.**

However, our descriptive analysis of the 2022 results finds a slightly smaller proportion of underrepresented students and students attending T4 schools agreed or strongly agreed their J.D. program was worth the cost compared to their counterparts. While 51% of represented students agreed or strongly agreed their program was worth the cost, 44% of underrepresented students of color reported the same. When examining students who had at least one online J.D. course during the 2021-2022 academic year, 41% of underrepresented students agreed or strongly agreed compared to 53% of represented students.

Figure 4: Program Value. Students taking at least one course online in 2022 were equally or more likely to **agree their J.D. program is worth the cost** compared to students across all instructional modes, except for underrepresented students of color and students attending T4 law schools.

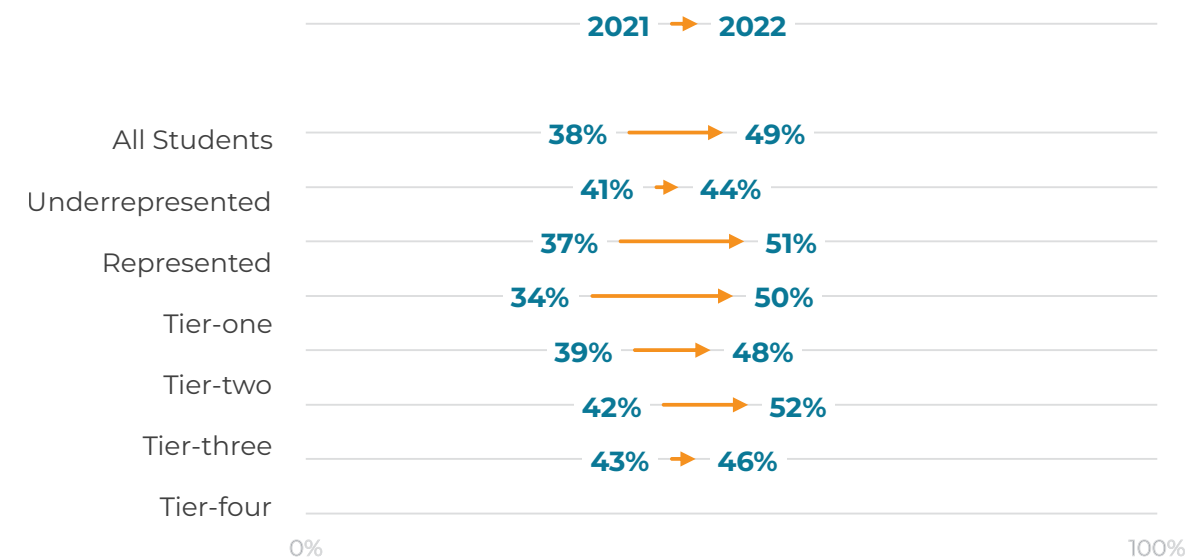


When comparing program valuations by law school tier without respect to instructional mode, there were few differences. Half of students attending T1 (50%) and T3 (52%) law schools agreed or strongly agreed their program was worth the cost compared to 48% and 46% of students attending T2 and T4 schools, respectively. However, among those who took at least one online course during the 2021-2022 academic year, 44% of students attending T4 schools agreed their program was worth the cost compared to 55% of students attending T1 schools. The proportion among students attending T2 (47%) and T3 (52%) schools remained roughly the same. (Due to sample size limitations when examining subgroups by instructional mode, only the race/ethnicity, age, and law school tier subgroups were evaluated.)

It is also notable that for underrepresented students and students attending T4 law schools — including all instructional modes, their J.D. program valuations were relatively stable from 2021 to 2022 (Figure 5). As noted for the J.D. program quality rating trends, this could indicate that instructional mode is not as influential on the program perceptions of underrepresented students and students attending T4 schools.



Figure 5: Program Value Ratings Over Time. The percentage of students who agreed their program is worth the cost increased for all student groups from 2021 to 2022, but less so among underrepresented students of color and students attending T4 law schools.





Accessibility of Resources

Our 2021 analysis sought to understand the extent to which the accessibility of campus resources changed as law schools shifted to online course delivery amid the pandemic. As expected, students who were completely online reported “easy” or “somewhat easy” access to campus resources at lower rates compared to students who had at least one in-person course in Spring 2021. When examining students by subgroup for academic year 2020-2021, no meaningful differences emerged. However, our descriptive analyses of the 2022 survey results indicate slight differences in perceived access of campus resources across student subgroups, with some perception gaps more pronounced than others.

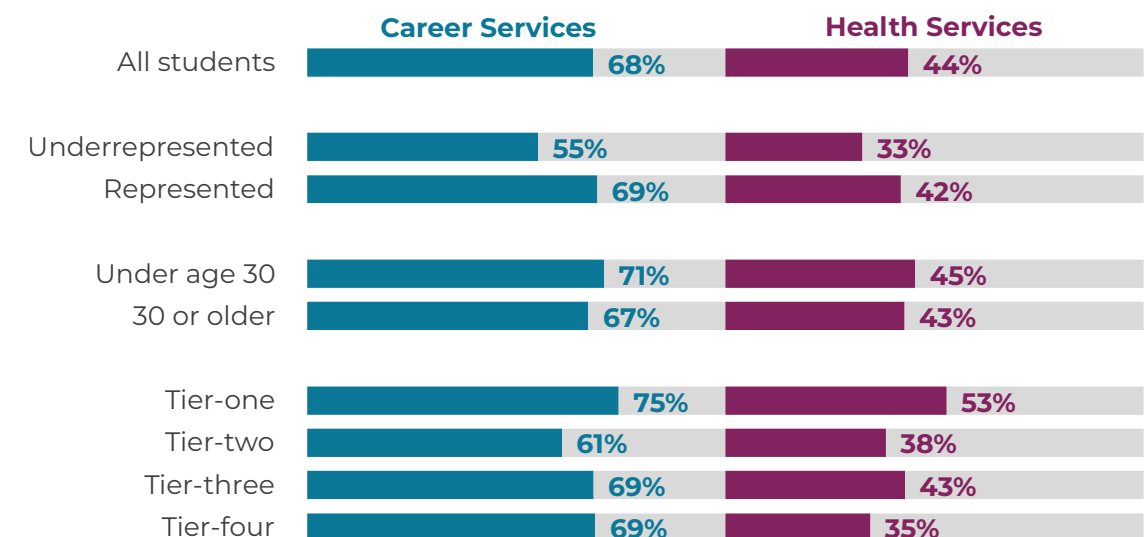
Among students who had at least one online course in 2021-2022, 69% of students from represented racial/ethnic backgrounds reported it was “easy” or “somewhat easy” to access career advising resources, while 55% of students from underrepresented racial/ethnic backgrounds reported the same. Considering our 2022 report finding that access to career services was a key predictor of J.D. program quality ratings among online students, this gap between represented and underrepresented students helps explain why the latter group was less likely to rate their J.D. program as “good” or “excellent.”

Gaps in access are also apparent when examining health services ratings. While ratings on ease of access to health services were generally low across all students, there was a nine-percentage point gap between racially/ethnically represented and underrepresented students in their perceptions of access to health services, with 42% of represented students reporting “easy” or “somewhat easy” access compared to 33% of underrepresented students. Perceived access to health services varied more considerably by law school tier. **While 53% of students attending T1 law schools reported it was “easy” or “somewhat easy” to access health services, a lower percentage of students attending T2 (38%), T3 (43%), and T4 (35%) law schools reported the same.**

(Due to sample size limitations when examining subgroups by instructional mode, only the race/ethnicity, age, and law school tier subgroups were evaluated.)



Figure 6: Perceived Accessibility of Career and Health Services. Among students who reported taking at least one online course in 2022, underrepresented students of color and students attending T2 law schools were least likely to report “easy” or “somewhat easy” access to career services. Less than half of all students — except those attending T1 law schools — indicated “easy” or “somewhat easy” access to health services.





Time Gains

In the 2021 survey, we asked students how transitioning to online courses during the pandemic impacted the amount of time they had for various activities. **Compared to students who identified as caregivers, non-caregivers were nearly twice (1.8 times) as likely to report that transitioning to online classes at the onset of COVID-19 increased the time they had available to care for family members.** We also found that students ages 25 and older were more likely than students under age 25 to report that transitioning to online courses provided more time for self-care. Students ages 25-29 were twice as likely, students ages 30-34 were 1.5 times more likely, and students 35 years of age or older were twice as likely.

In 2022, we asked a slightly different question that was not rooted in the context of the pandemic. Instead, we asked respondents to indicate which instruction mode — online, in-person, both, or neither — offered more time for work and learning opportunities (e.g., internships), study and class preparation, working to earn money, family, and self-care. Subgroup differences emerged for each item.

- **Work and learning opportunities:** A higher proportion of racially and ethnically underrepresented students compared to represented students reported that online courses provide more time for relevant learning and work opportunities such as internships, clinics, clerkships, etc. — 67% compared to 56%, respectively.
- **Study and class preparation:** A higher proportion of students ages 35 and older (66%) reported online classes provide more time to study and prepare for classes compared to students ages 24 and younger (54%), 25-29 (52%), and 30-34 (53%). Likewise, a higher proportion of students attending T4 law schools (63%) reported the same, compared to their counterparts at higher ranked law schools (54% at T1, 53% at T2, and 50% at T3).
- **Work to earn money:** Compared to racially and ethnically represented students (58%), a higher proportion of underrepresented students (66%) reported that online courses afford more time for employment.
- **Family:** A slightly higher proportion of caregivers (85%) than non-caregivers (72%) reported online courses afford more time to care for family members.
- **Self-care:** Caregivers, students ages 35 and older, and students attending T4 law schools perceive online courses provide more time for self-care compared to their counterparts.



In summary, these findings suggest that the flexibility of online learning may benefit students in different ways based on their individual priorities and circumstances. For instance, while racially and ethnically underrepresented students may be more likely than their represented counterparts to leverage additional time from online learning to earn money, caregivers may find the additional time more beneficial for tending to their children and families compared to non-caregivers.

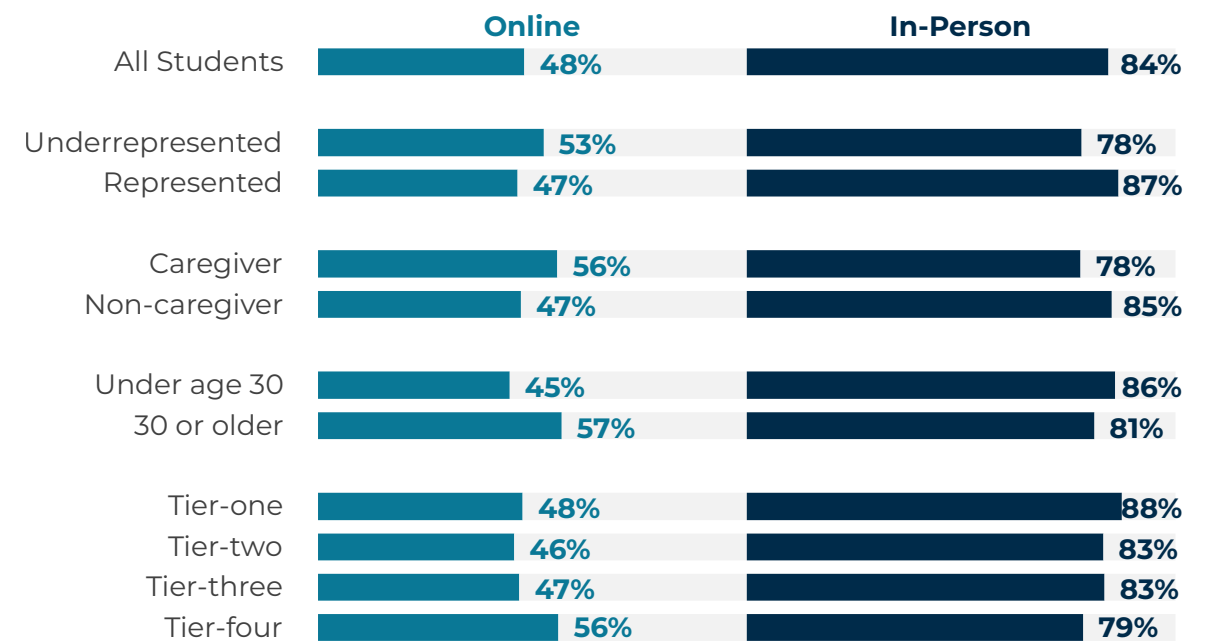
Differences in Participation and Fatigue by Mode of Instruction

Finally, when resurveying students in 2022, we asked a series of questions to determine the extent to which students participated differently in online versus in-person courses. Specifically, we asked students to indicate how much they agreed or disagreed with various statements about their ability to participate, and participate authentically, in online and in-person classes. Most differences in participation were slight, but one major distinction between online and in-person courses was the extent to which students reported they were able to fully participate when attending each class type. While 84% of students somewhat agreed, agreed, or strongly agreed they could fully participate in in-person classes, only 48% reported the same for online classes. Another major distinction was the fatigue associated with online versus in-person classes — students were more likely to agree that they felt emotionally drained after attending online classes compared to in-person classes — 63% and 48% respectively.

Although these distinctions were also present among the subgroups we analyzed, **a slightly higher proportion of underrepresented students, caregivers, students ages 30 and older, and students attending T4 law schools agreed they were able to participate fully in online classes compared to their subgroup counterparts.** Nonetheless, their level of agreement with this statement was much higher for in-person classes.

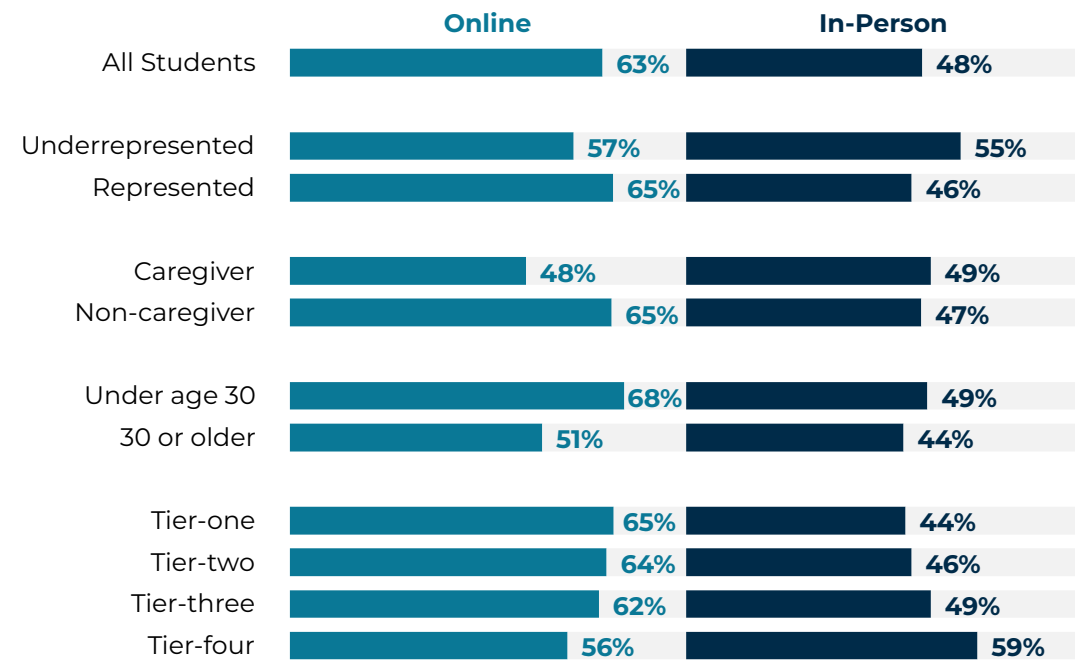


Figure 7: Ability to Participate Fully by Instruction Mode. While most students agreed they are able to participate fully in in-person classes in 2022, fewer than 50% reported the same for online classes except for underrepresented students of color, caregivers, students ages 30 or older, and students attending T4 law schools.



Similarly, **a slightly lower proportion of underrepresented students, caregivers, students ages 30 and older, and students attending T4 law schools agreed they felt emotionally drained after attending online classes compared to their subgroup counterparts.** Further, the proportion of agreement among these student subgroups was roughly the same for online classes as in-person classes. For instance, 57% of underrepresented students reported feeling emotionally drained after attending online classes compared to 55% for in-person classes, and 48% of caregivers reported feeling emotionally drained after attending online classes compared to 49% for in-person classes.

Figure 8: Feeling Emotionally Drained by Instruction Mode. While more students reported feeling emotionally drained after attending online classes compared to in-person classes, underrepresented students of color, caregivers, students ages 30 or older, and students attending T4 law schools were less likely to report feeling emotionally drained by online classes compared to their peers.

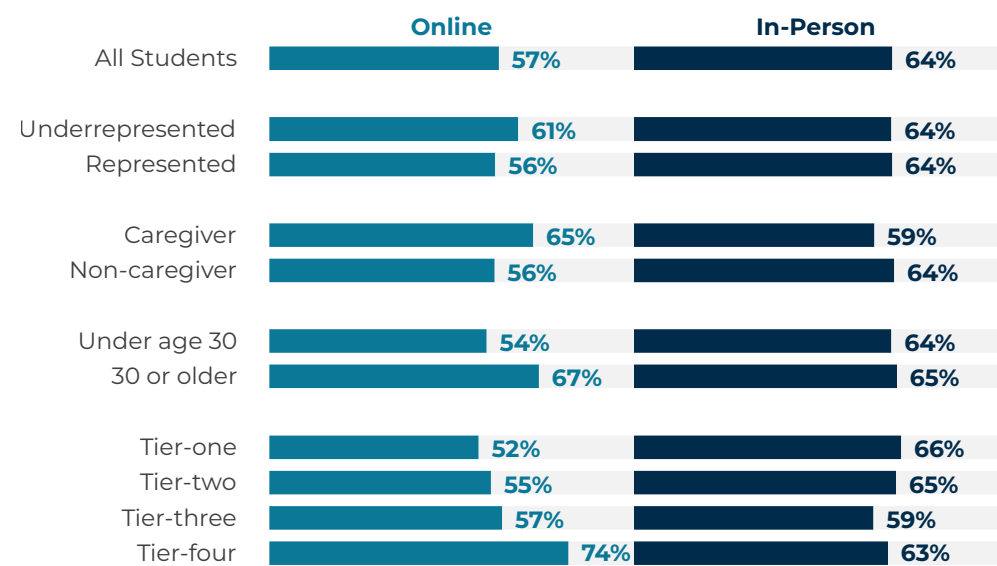


Generally, a slightly larger percentage of students reported feeling more comfortable being authentic in in-person classes compared to online classes.

For instance, 74% of students somewhat agreed, agreed, or strongly agreed they are able to express their honest opinion in in-person classes compared to 64% for online classes. Likewise, 64% somewhat agreed, agreed, or strongly agreed they are comfortable sharing their true feelings in in-person classes compared to 57% for online classes. **However, certain student subgroups reported similar levels of honest expression in both in-person and online classes.** For students ages 30 and older, 67% agreed they are comfortable sharing their true feelings online and 65% shared the same for in-person classes. By comparison, these percentages were 54% and 64%, respectively, for students under 30 years of age. And students attending T4 law schools were more likely to feel comfortable sharing their true feelings in online classes compared to in-person classes — 74% somewhat agreed, agreed, or strongly agreed with the statement for online classes while 61% did so for in-person classes.



Figure 9: Comfortability with Sharing True Feelings by Instruction Mode. Generally, a slightly lower percentage of students somewhat agreed, agreed, or strongly agreed they are comfortable sharing their true feelings in online classes compared to in-person classes. However, the opposite was true for caregivers, students ages 30 or older, and students attending T4 law schools.



These findings may help contextualize the earlier observation that certain students feel more emotionally drained after attending online courses compared to in-person courses. Managing the emotional labor of feeling less able to share their true feelings in an online environment may be a contributing factor to students feeling more emotionally drained by online vs. in-person classes. Research also ascribes emotional drain to the “performative labor” associated with appearing engaged in an online setting as well as the “interpretive labor” required to read others’ meanings and motives in a virtual environment.⁷



However, emotional labor may stem from other factors unrelated to online modality. Although we find that underrepresented students of color reported feeling emotionally drained by online classes at a slightly lower rate than represented students, they were equally emotionally drained by online and in-person classes. Prior research indicates, compared to White students, students of color experience greater levels of emotional labor on campus when attending predominately White institutions.⁸ Additional research is needed to examine the extent to which emotional labor in online classrooms varies by students’ racial/ethnic and other identities, and how unique aspects of distance learning contribute to those variations. For example, studies suggest that in synchronous courses when cameras are on and students’ images are mirrored back to them, women were more likely than men to experience fatigue due to concern with their physical appearance.⁹ Identifying and mitigating disparately taxing aspects of in-person and synchronous online J.D. courses can help drive more equitable educational experiences in both environments.

⁷ Blair Wang & Julian Prester, The Performative and Interpretive Labour of Videoconferencing: Findings from a Literature Review on “Zoom” Fatigue 3, 5 (Int’l Conf. on Info. Sys., 2022), https://www.researchgate.net/publication/365181502_The_Performative_and_Interpretive_Labour_of_Videoconferencing_Findings_from_a_Literature_Review_on_%27Zoom%27_Fatigue.

⁸ See, e.g., Louwanda Evans & Wendy Leo Moore, *Impossible Burdens: White Institutions, Emotional Labor, and Micro-Resistance*, 62 Soc. PROBS. 439 (2015); Taleed El-Sabawi & Madison Fields, *The Discounted Labor of BIPOC Students & Faculty*, 12 CAL. L. REV. ONLINE 17 (2021).

⁹ See, e.g., Rabindra Ratan et al., *Facial Appearance Dissatisfaction Explains Differences in Zoom Fatigue*, 25 CYBERPSYCH., BEHAV., & SOC. NETWORKING 124 (2022); Kathleen R. Scarpena & Russell E. Fail, *Diversity and Inclusion Issues in the New Zoom Nation* 167 (Distance Learning Admin. Ann., 2021), <https://www.westga.edu/~distance/dla/pdf/2021-dla-proceedings.pdf#page=167>; Kristen M. Shockley et al., *The Fatiguing Effects of Camera Use in Virtual Meetings: A Within-Person Field Experiment*, 106 J. APPLIED PSYCH. 1137 (2021).



CONCLUSION AND RECOMMENDATIONS

This addendum to our collaborative work with Gallup indicates that improved perceptions of distance learning experiences from the onset of the pandemic to the following academic year 2021-2022 were generally shared across student groups as categorized by race/ethnicity, age, caregiver status, enrollment status, and law school tier. However, when comparing students within these subgroups, a few distinct patterns emerge. First, we find that students who are 30 or older, parents and caregivers, enrolled part-time, or attending a T4 law school generally have more favorable perceptions of online learning than their subgroup counterparts.

Second, racially and ethnically underrepresented law students and students attending T4 schools appear to be less sensitive to mode of instruction when evaluating J.D. program quality and value. This is particularly striking for students attending T4 institutions, given their greater likelihood of rating online courses favorably. However, for underrepresented students taking at least one online course, their lower likelihood of perceiving easy access to career advising services may explain why their J.D. program ratings were lower compared to represented students. Relatedly, we find differences in perceptions of time gains derived from attending courses online. For instance, underrepresented students of color were slightly more likely than represented students to report that online classes provide more time for working to earn money.

And finally, while students reported fuller participation and less burden attending in-person vs. online classes, perceptions of burden in online course attendance were not shared equally among subgroups. Caregivers, students ages 30 or older, and students attending T4 institutions were not as hindered from full participation in, nor as drained by, online courses.



Collectively, these findings suggest that broadening distance learning opportunities in J.D. programs could expand access to legal education, particularly for caregivers and students ages 30 or older. Those juggling caregiving responsibilities and established careers will have greater flexibility in balancing their academic lives with their personal and professional roles. Distance education can also afford students more time to work and earn income — areas that, based on our findings, seem particularly important for students of color. The ability to earn money while pursuing a law degree can help students manage their law school expenses, offset their debt, and minimize the opportunity cost of wages while enrolled. Time gains for work can also give students relevant experience that could benefit them in the legal job market and on the bar exam.¹⁰ Coupled with accessible career services and curricular and academic supports tailored for employed students, expanding these work and earning opportunities through distance education could enhance underrepresented students' perceptions of the value of their J.D. programs.

As more and more law schools embrace distance education and expand online learning opportunities in the J.D. curriculum, and as the ABA weighs increasing the number of distance education credits allowable for J.D. attainment, we offer the following recommendations to inform their efforts:

- 1. Continue to design distance learning opportunities with students in mind.** While all law students have shown improved perception of their online course experiences, our subgroup analysis indicates that some students are more likely to promote and benefit from online learning. Most, if not all, current hybrid and online J.D. programs aim to serve students who cannot attend law school full-time or commit to regular campus attendance. Likewise, those administering and developing these programs should also consider the aims of the various students enrolled. For instance, those enrolling in online courses so they can continue caregiving responsibilities may expect and value a different type of support than those enrolling so they can simultaneously work and earn income.

¹⁰ See Aaron N. Taylor et al., *It's Not Where You Start, It's How You Finish: Predicting Law School and Bar Success*, 21 J. HIGHER EDUC. THEORY & PRAC. 103, 122 (2021).

2. **Promote and push online supports that add value, such as accessible job search assistance.** When comparing students who took at least one online course to all students across mode of instruction, we observe equal or higher J.D. program evaluations among online students with two exceptions — underrepresented students of color and students attending T4 law schools. Both groups also reported easy access to career and health services at lower rates than their counterparts.

Understanding what drives J.D. program valuations and how this varies among student groups can help law schools design online programming that is inclusive of accessible supports that meet all students' needs. For instance, the 2022 LSSSE results indicate that online students are less likely to feel their school “provides the support they need to succeed in their employment search (46% compared to 53% of in-person students).”¹¹ As noted earlier in the report, satisfaction with career services is positively correlated with J.D. program satisfaction. Although schools may offer robust job search support, active and intrusive promotional efforts may be required to better reach online students. Narrowing the gap in perceived access to career services among online students could be one focus area for innovation as distance J.D. courses and programs continue to grow.



While considering these implications, it is important to remember that our survey results are based largely on students attending law schools that are still in the earliest stages of delivering J.D. courses online. This leaves ample room for law schools to continue innovating and improving in the distance education arena. Continuing to do so strategically and purposefully will ensure that students of all backgrounds benefit equitably from the flexibility and accessibility online learning can provide.

3. **Identify and remove barriers to full and stimulating participation in online J.D. courses.** When examining differences in how students behave and feel when attending online vs. in-person courses, we observe the largest gaps in their ability to participate fully in class and feeling emotionally drained. All student groups, except students at T4 schools, were more likely to feel emotionally drained after attending class online compared to in-person. Identifying and addressing online course elements that limit full participation and lead to emotional exhaustion will be important for law schools seeking to make distance education a more permanent fixture in the J.D. curriculum for all students — irrespective of their background or program modality.

Many have studied and written about “Zoom fatigue” in the wake of the pandemic, offering recommendations for faculty and students. For example, instructors are encouraged to schedule class breaks, encourage use of the chat feature and call on individual students to facilitate interaction, and switch between screen share, instructor, and class views to keep students engaged.¹² Students are encouraged to stand periodically, engage in physical exercises (e.g., “palming”) to reduce eye strain, and minimize distractions (e.g., mobile phone notifications) during class.¹³ Testing these suggestions and experimenting with new methods of maximizing full participation and engagement in distance education courses will improve distance learning experiences and add to our collective understanding of best practices.



¹² See, e.g., Josh Blackman, *Thoughts and Tips on Teaching with Zoom*, REASON: VOLOKH CONSPIRACY (Mar. 12, 2020, 5:33 PM), <https://reason.com/volokh/2020/03/12/thoughts-and-tips-on-teaching-with-zoom/>; Jody Greene, *Zoomnosis: Avoiding Mischief and Mayhem in the Great Leap to Zoom*, INSIDE HIGHER EDUC. (Mar. 25, 2020), <https://www.insidehighered.com/digital-learning/advice/2020/03/25/avoiding-mischief-and-mayhem-great-educational-leap-zoom>; David A. Wicks, *Minimizing Zoom Fatigue and Other Strategies for a Successful Synchronous Class Experience*, in TACKLING ONLINE EDUCATION 2 (Huili Han et al. eds., 2021), https://www.researchgate.net/publication/354681026_MINIMIZING_ZOOM_FATIGUE_AND_OTHER_STRATEGIES_FOR_A_SUCCESSFUL_SYNCHRONOUS_CLASS_EXPERIENCE.

¹³ See Erik Peper et al., *Avoid Zoom Fatigue, Be Present and Learn*, 8 NEUROREGULATION 47, 52, 54 (2021); Susan Landrum, *A Student Guide to Best Practices for Online Classrooms*, LAW SCH. SUCCESS (Mar. 18, 2020, 4:56 PM), <https://lawschoolacademicsuccess.com/2020/03/18/a-student-guide-to-best-practices-for-online-classrooms/>.

¹¹ LAW SCH. SURV. OF STUDENT ENGAGEMENT, *supra* note 4, at 12.



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