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# What Will (Or *Might?*) Law School Look Like This Fall?

## Teaching in the Midst of a Pandemic

By Ted Becker

**J**anuary 2020 marked the start of a new semester for Michigan law schools. There was little reason to suspect it wouldn't be a semester like any other: for 3Ls, the start of the stretch run to graduation; for 1Ls, a chance to begin anew after the stress of their first set of law school final exams; for law school faculty, administrators, and staff, a return to the excitement and activity of crowded hallways and classrooms after the brief interlude of winter break. Classes began and proceeded as normal.

And then, of course, within a couple of months, everything changed. Worrisome and ever-increasing numbers of hospitalizations and deaths due to COVID-19, states of emergency and stay-at-home orders, lockdowns and social distancing and flattening the curve—like everyone else, law schools suddenly had to confront these unexpected challenges. At my law school, for example, the central university cancelled two days of classes in mid-March to allow faculty to prepare to teach remotely; the following Monday, classrooms closed and every law school course was taught online, staying that way for the remainder of the semester. All Michigan law schools made the same shift. Some students left campus right away, and more joined them as the weeks went by. Faculty reached out to as many students as possible to see if they felt supported and secure

under the circumstances. Students in clinics faced many of the same restrictions on and concerns with meeting and representing clients as did Michigan practitioners. In so many ways, from changes to how final exams were administered, new grading policies, cancelled graduation ceremonies, and everything—classes, office hours, moot court oral arguments, and student conferences—moving online, it was a semester without precedent.

It has been a summer like no other, too. Uncertainty reigns. Will law schools be able to reopen their doors in the fall to allow students to attend and professors to teach classes in person? What measures will be needed to protect the safety of law students, faculty, and staff in a manner that complies with public health guidelines? How can law schools most effectively educate their students in classrooms that may be socially distanced, or where some students may be physically present while others attend remotely, or where all students attend class online? There are no easy answers.

Perhaps not surprisingly in a time when nobody can confidently predict how things will look months from now, as of the date of this writing (mid-July), the five Michigan law schools have taken different approaches to whether they will allow students to attend at least some of their fall classes in person. Two schools—University of Detroit Mercy

School of Law<sup>1</sup> and Western Michigan University Cooley Law School<sup>2</sup>—will hold all fall classes online. The three others—University of Michigan Law School,<sup>3</sup> Michigan State University College of Law,<sup>4</sup> and Wayne State University Law School<sup>5</sup>—plan to offer a mix of live, hybrid, and entirely online classes.

But the decision about how to offer classes is only the proverbial tip of the logistical iceberg. For example, will law libraries be open even if all classes are online? Will students be able to use law school buildings to study between classes or access the internet to attend online courses? Plans to address all these issues are coming together, but these plans are, of course, subject to adjustment, whether before or after the semester begins. And so contingency plans abound for how to administer classes if events warrant (or government orders require) a change.

Of equal concern is ensuring that however classes are held, law students are taught as effectively as circumstances permit. Many people worry that something important might be lost if students and faculty cannot physically meet in a classroom. Like me, I'm sure many lawyers find it difficult to think back to the first day of law school and envision it taking place via Zoom on a laptop at your kitchen table rather than in a classroom surrounded by equally excited and nervous classmates. Something as simple as staying

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"Future of Law" is a regular column of the *Michigan Bar Journal*. Articles relating to legal education are edited by Ted Becker of the University of Michigan Law School. To suggest a topic or propose contributing an article relating to legal education, please contact Professor Becker at [tbecker@umich.edu](mailto:tbecker@umich.edu).

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[O]nline education, when planned with care and done well, can be as effective as in-person teaching in many respects and for many subjects.

after class or taking advantage of a random hallway encounter to ask a question isn't quite so simple when both student and professor are wearing masks and need to stay six feet apart. Some features of in-person learning can be replicated online. Some can't. It's a legitimate concern.

But online education, when planned with care and done well, can be as effective as in-person teaching in many respects and for many subjects. Speaking from personal experience at my school, that broad topic has consumed much working time of law school professors over the past several months since classes went online in March, and will continue to do so for the remainder of the summer and the foreseeable future. I know from talking with colleagues at other law schools that the same holds true for them. For many of us, it has been a crash course in learning how to navigate the technological bells and whistles of web-meeting platforms like Zoom, BlueJeans, or Microsoft Teams, translating pedagogical techniques that work well in the classroom to an online environment, and learning new techniques designed for (and particularly effective when) providing remote education.

The following examples are intended only to be representative of the sorts of teaching questions that law school professors are trying to answer; many more could be added to the list. How can law students, especially incoming 1Ls, develop a sense of community with their classmates and professors if nobody is in the same room? How can faculty keep students engaged during online classes and overcome so-called "Zoom fatigue" (a phenomenon with which I'd wager many practitioners are by now well familiar after the past several months of online meeting followed by online meeting)?<sup>6</sup> Can technological tools like "breakout rooms" replicate the effectiveness of peer-to-peer learning that occurs in physical classrooms during small-group discussions and exercises?

Law professors across the country have been attending online conferences,<sup>7</sup> trading tips, giving advice, and sharing lessons learned about these and many other issues. We've benefitted from the guidance of professors who have previously taught classes that were specifically designed to be online, who have pointed us toward best practices.

And we've shared the same goal of teaching students as effectively as we can, whatever the pedagogical environment might be. Over the remaining summer weeks and continuing into the fall, this collective learning process will continue.

So where does this leave Michigan law schools as the fall semester looms? In the same place as Michigan lawyers: uncertain about what the future holds but doing their best to plan and prepare and roll with whatever arises. ■



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## ENDNOTES

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2. Fall 2020 Classes ONLINE at WMU-Coolley Law School, James McGrath, presenter, YouTube (June 26, 2020) <<https://www.youtube.com/watch?feature=youtu.be&v=Wy2Pz2G2JHY&app=desktop>>.
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5. Coronavirus Campus Updates, Wayne State University <<https://wayne.edu/coronavirus/messages#june-2-campus-restart>> [<https://perma.cc/24JS-VDM3>].
6. See, e.g., Morris, *Why Does Zoom Exhaust You? Science Has An Answer*, Wall St J (May 27, 2020) <<https://www.wsj.com/articles/why-does-zoom-exhaust-you-science-has-an-answer-11590600269>> [<https://perma.cc/8UJY-7YAL>].
7. See, e.g., *William & Mary Conference for Excellence in Teaching Legal Research & Writing Online*, William & Mary Law School <[https://law.wm.edu/academics/intellectuallife/conferencesandlectures/excellence\\_online\\_teaching/index.php](https://law.wm.edu/academics/intellectuallife/conferencesandlectures/excellence_online_teaching/index.php)> [<https://perma.cc/865X-WUNE>].

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