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LAW FACULTY EXPERIENCES TEACHING DURING THE PANDEMIC

BRIDGET J. CRAWFORD* AND MICHELLE S. SIMON**

ABSTRACT

When colleges and universities abruptly shifted to online teaching in March 2020 all, focus (appropriately) was on ensuring continuity of education for students. In adapting courses to the new online environment, professors were encouraged to take into account the incredible stress students were experiencing, their new living conditions, and, in some cases, lack of access to technology and educational resources. For the Spring 2020 semester, almost all U.S. law schools shifted to some form of pass/fail grading in recognition of the enormous upheaval to students' educational plans.

Less discussed during the initial months of the coronavirus pandemic was how faculty members experienced and responded to the pandemic in their personal lives and as professional educators. This essay describes the results of an informal, non-representative survey of law faculty conducted in May 2020. The principal findings are that during the initial months of the pandemic, law professors themselves were under considerable stress, that they altered their modes of delivery and interaction with students, and that they wanted students, colleagues, and school administrators to recognize the complex experiences of law faculty teaching during the pandemic.

The initial survey results here could serve as a basis for law school deans and others to develop school-specific surveys that might elicit more specific feedback about the experiences of faculty members at their schools. That feedback would enable law school leaders to develop programs that support their faculty and students. It may also be important to track longer-term effects of the pandemic on law faculty careers, as disruptions to legal education caused by the coronavirus may continue for some time.

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INTRODUCTION

When U.S. law schools abruptly shifted to online teaching during the Spring 2020 semester, all attention (appropriately) was on our students. Most students did not enroll in law school in the Spring 2020 semester thinking they would be taking distance education classes, but soon they were. Professors, too, had to make changes—in some cases quite literally overnight—to keep law schools' virtual doors open during the initial months of the coronavirus pandemic. Our anecdotal observation as faculty members teaching during the Spring 2020 semester is that colleagues nation-wide were very much focused on delivering an excellent education to our students with the least disruption possible, taking into account that many students lacked a quiet place to study, reliable internet, or access to a printer. Many students experienced physical and economic dislocation, faced health uncertainties for themselves or family members, or became full-time caretakers for children, siblings, sick parents, or other family members, all while trying to maintain a rigorous course load in law school.

Just a few weeks into the pandemic, one of us administered a survey of the ninety-nine students enrolled in our Corporations & Partnership class at the Elisabeth Haub School of Law at Pace University. The survey asked students about their access to technology, their study spaces, and what they wanted their professors and classmates to know. In an anonymous survey, students detailed the enormous emotional stress and upheaval they were experiencing. "Family members are sick and it can be very stressful," one student explained.¹ "Mental health-wise, my anxiety has been pretty bad," another student revealed.² "This is such a difficult time and most of my belongings are scattered across three states, including my means of transportation. It is increasingly difficult to study in a space that is not my own," said another.³ Many students reported that they did not have reliable internet and did not have any privacy at home.⁴ In multiple emergency faculty meetings, we shared what we knew about students' situations, and worked with school administrators to get emergency financial and other aid to students in need. Because of the extraordinary and involuntary shift to online legal education, our home institution—and most U.S. law schools—adopted a variation on pass/fail grading for the semester.

Before the pandemic, each of us had different degrees of experience teaching online. Perhaps because of that experience we were less daunted than

1. Bridget Crawford, *What Our Students Want Us to Know*, FACULTY LOUNGE (Mar. 29, 2020, 5:36 PM), <https://www.thefacultylounge.org/2020/03/what-our-students-want-us-to-know.html> [<https://perma.cc/58NN-WPC6>] (reporting survey results of 99 students taking Corporations & Partnerships course during Spring 2020 semester).

2. *Id.*

3. *Id.*

4. See Bridget J. Crawford, *Survey About Online Learning and Final Exam Options: Corporations & Partnerships* (Mar. 2020) (on file with the authors and Saint Louis University Law Journal).

some of our colleagues who had never taught online.⁵ Even so, we admit that we found online teaching during the early months of the pandemic (and beyond, as the public health crisis continues) to be incredibly challenging. Throughout the Spring 2020 semester, we had the support of many wonderful local and national colleagues who were generous in sharing ideas and materials.⁶ Every single colleague we spoke with was focused foremost on creating conditions for students' academic success in these unusual times. Very rarely, a colleague might confide that she felt "overwhelmed," or joke that she was "losing it." How were faculty members doing during the pandemic, we wondered. With all the focus on the students, was anyone focused on how the faculty was doing? Might it be perceived as selfish or self-indulgent to even ask how faculty members were doing?

At the end of the Spring 2020 semester, we sent a survey to sixty-one colleagues we thought might be willing to share their experiences with online teaching by responding to a short survey of about twenty-three questions. The recipients included a few at our home institution; the others taught at schools around the country. The colleagues to whom we sent the survey taught at schools from New York to Florida to California and many states in between. The recipients taught at both private and public universities of every rank and distinction. The survey was anonymous and we indicated that we would not disclose to the general public the names of the recipients of the survey. With the initial email, we included a link to the survey, so recipients could share the survey with interested colleagues, which we encouraged them to do. We indicated that we would use the survey results as the basis for a series of blog posts⁷ and possibly a law review essay (this one). We received thirty-seven responses to the survey.

5. Bridget Crawford has been teaching both Federal Income Taxation and Wills, Trusts & Estates in partial distance formats since 2009. Prior to the 2020 semester, Michelle Simon's online teaching experience was limited to the short-term context, such as for make-up classes due to inclement weather.

6. For example, in response to a Twitter post, Professor Nadia Ahmad (of Barry University in Orlando, Florida) and Bridget Crawford realized that they were both teaching from the same casebook and agreed to share teaching materials. See Bridget J. Crawford (@ProfBCrawford), TWITTER (Mar. 14, 2020, 5:15 PM), <https://twitter.com/ProfBCrawford/status/1238936724333625347> ("If there are any other Bus Orgs/Corporations profs teaching from Lisa Fairfax's new casebook who would like to pool resources/create library of videos for students, I'd love to collaborate! I have a video on veil piercing; would be happy to share more as I make more!").

7. Bridget Crawford, *Law Teaching During the Pandemic: Home Life and Access to Technology*, FACULTY LOUNGE (May 12, 2020), <https://www.thefacultyounge.org/2020/05/law-teaching-during-the-pandemic.html> [<https://perma.cc/64FQ-AT5M>] [hereinafter *Home Life and Access to Technology*]; Bridget Crawford, *What Law Faculty Want Students to Know*, FACULTY LOUNGE (May 11, 2020), <https://www.thefacultyounge.org/2020/05/what-law-faculty-want-their-students-to-know.html> [<https://perma.cc/F8FG-STLJ>] [hereinafter *What Law Faculty Want Students to Know*]; Bridget Crawford, *Law Teaching During the Pandemic: What Profs Want Their*

We cannot confirm the identity of those who completed the survey, and anyone with the link could have responded. Thus, the survey was not designed to be and cannot be interpreted to have any scientific validity at all. Even so, the responses in aggregate provide a snapshot of law faculty experiences teaching during the pandemic during the Spring 2020 semester. In presenting the results here, this essay suggests that faculty members experienced significant upheaval in their professional lives, and took measures to adapt their teaching to the new online environment. The essay organizes around six themes. Part I presents respondents' self-reported data about their levels of teaching experience and home lives. Part II explores the methods of instruction that professors found effective before and after the switch to online education, and the level of faculty extracurricular engagement with students during the pandemic. Part III investigates faculty self-reported satisfaction with teaching online and asks faculty about their perceptions of student satisfaction with online education. In response to open-ended questions, faculty shared what they want their students to know (Part IV), what they want their colleagues to know (Part V), and what they want their deans and other administrators to know (Part VI). With these small (and unreliable) survey results in hand, law school faculty and administrators might choose to survey their own faculties to identify the types of particular support that faculty need during the pandemic. Support for faculty in online teaching (pandemic or not) ultimately will lead to a better experience for students. Asking others about faculty experiences is also a way administrators can express support and identify new bases for collaborative engagement. As one of the surveyed faculty members explained, "Empathy is a valuable tool to use and model."⁸

I. DEMOGRAPHICS AND FACULTY HOME LIFE

Of the thirty-seven law teachers who responded to the survey, all (except for one) reported that they had just finished teaching during the Spring 2020

Colleagues to Know, FACULTY LOUNGE (May 13, 2020), <https://www.thefacultylounge.org/2020/05/law-teaching-during-the-pandemic-what-profs-want-their-colleagues-to-know.html> [https://perma.cc/P4SD-859S] [hereinafter *What Profs Want Their Colleagues to Know*]; Bridget Crawford, *80.5% of Law Professors Prefer In-Person Instruction*, FACULTY LOUNGE (May 15, 2020), <https://www.thefacultylounge.org/2020/05/my-entry.html> [https://perma.cc/L2KD-XN XD] [hereinafter *Law Professors Prefer In-Person Instruction*]; Bridget Crawford, *Law Teaching During the Pandemic: What Profs Want Their Deans (and Other Administrators) to Know*, FACULTY LOUNGE (May 18, 2020), <https://www.thefacultylounge.org/2020/05/law-teaching-during-the-pandemic-what-profs-want-their-deans-and-other-administrators-to-know.html> [https://perma.cc/9XJ6-VQR4] [hereinafter *What Profs Want Their Deans to Know*].

8. Crawford, *Home Life and Access to Technology*, *supra* note 7; see also *infra* Part V.

semester.⁹ Respondents' levels of experience varied; the pool skewed toward more senior faculty. Instructors with twenty-five to thirty-five years of teaching experience represented the largest segment (29.7%) of respondents.¹⁰ In next descending percentages, respondents had fifteen to twenty-five years of teaching experience (27%), seven to fifteen years of teaching experience (21.6%), three to seven years of teaching experience (10.8%), zero to three years of teaching experience (5.4%) and over thirty-five years of teaching experience (5.4%).¹¹

We asked respondents to provide details about their home life, but we did not want to ask about anyone's individual health situation. Sixty percent (60%) of respondents said that they personally knew someone who had become sick from COVID-19.¹² Over forty-five percent (45.7%) faced increased childcare or eldercare responsibilities.¹³ More than thirty-seven percent (37.1%) reported having an immediate family member "who has become unemployed or is worried about job security."¹⁴ Twenty percent (20%) had a family member who is an essential worker, and over twenty-five percent (25.7%) reported more people living at home than usually do. Just under three percent (2.9%) of respondents reported that they faced food insecurity.¹⁵

In terms of access to technology and work conditions, the faculty respondents to the survey tended to have reliable internet (97.3%), a reliable computing device, such as a laptop or desktop (91.9%), a quiet place for online teaching and course preparation (83.8%), and access to a printer (78.4%).¹⁶ When one of us had conducted the survey of our students earlier in the semester,¹⁷ we had not posed the question in the same way, so it was not possible to make a direct comparison of faculty and student access to internet and technology. Our anecdotal impression is that, during the early months of the pandemic, faculty members were more likely than students to have the technology they need to fully participate in remote instruction, perhaps because faculty members are accustomed to doing a portion of their work at home. Also, many students had to move out of dormitories with good internet access to a home without internet access at all. For the most part, faculty members did not have to move because of the pandemic.

9. Crawford, *What Law Faculty Want Students to Know*, *supra* note 7. One respondent indicated that they had not taught during the Spring 2020 semester but would be teaching during the Summer 2020 term. *Id.*

10. *Id.*

11. See Crawford, *What Law Faculty Want Students to Know*, *supra* note 7.

12. See Crawford, *Home Life and Access to Technology*, *supra* note 7.

13. *Id.*

14. *Id.*

15. *Id.*

16. *Id.*

17. See Crawford, *Survey About Online Learning and Final Exam Options: Corporations & Partnerships*, *supra* note 4.

Based on informal conversations with national and local colleagues, we suspect that there may be seniority-based differences in faculty experiences that are not captured by the survey. Our anecdotal impression is that many newer faculty members had added responsibilities of child care, but as a group they tended to be more comfortable with working from home. Indeed, some of those faculty members already work from home two or more days a week. Many senior faculty members seemed to be more accustomed to working in the office. We personally know many experienced law teachers who, pre-pandemic, did not have at-home printers, scanners, or even computers that could meet the technological specifications needed for online teaching. Many experienced faculty members we know felt especially vulnerable because of their age and preexisting medical conditions. Colleagues who are not accustomed to working remotely and who do not have built-in technological support at home (e.g., family members who are fluent with technology) felt great frustration in navigating some of the more basic issues in remote teaching.

II. FACULTY MODES OF INSTRUCTION AND ENGAGEMENT WITH STUDENTS

We sought to understand how the pandemic had changed faculty teaching and interactions with students during the Spring 2020 semester. The survey asked instructors, “Before the disruption and switch to online learning, by what methods were you teaching well?”¹⁸ The methods most frequently identified by respondents were lecture (78.4%), problem solving (73%), Socratic method (labeled “however you define the term”) (73%), and small group work (51.4%).¹⁹ Other methods included negotiations, weekly quizzes, discussion, and student presentations.²⁰ After the disruption and switch to online learning, instructors reported that they continued to teach well by the lecture method (78.4%).²¹ The percentage of respondents who self-reported “teaching well” by other methods—problem solving (59.5%), the Socratic method (as the respondent defined it) (48.6%), small group work (37.8%)—declined after the switch to online instruction.²² Levels of satisfaction with discussion and student presentations remained unchanged.

The survey asked faculty about their motivations for changing their teaching methods in response to the pandemic, if they did make adjustments. The most frequently cited reasons were “my own sense of what students needed” (82.8%), student feedback (27.6%), and “what colleagues were doing” (24.1%).²³ In

18. See Bridget J. Crawford, Survey of Law Professors (May 2020) (on file with the authors and Saint Louis University Law Journal).

19. *Id.*

20. *Id.*

21. *Id.*

22. *Id.*

23. Crawford, Survey of Law Professors, *supra* note 18.

terms of the effort devoted to teaching, 70.3% of respondents said they were spending “much more time” (54.1%) or “more time” (16.2%) preparing for online classes, compared to the amount of time they typically spend preparing to teach in the traditional, in-person format.²⁴ Some spent “about the same amount of time” (24.3%) preparing; other respondents spent “much less time” or “less time” (5.4%) preparing for online class compared to traditional classroom instruction.²⁵

There was marked variation in faculty members’ self-reported levels of contact with students after the shift to online education. Over one-third (36.1%) of respondents said that they spent “much more time” (22.2%) or “more time” (13.9%) with students out of the classroom during the distance learning period, than when classes were meeting in ordinary sessions.²⁶ More than a fifth (22.2%) of respondents self-reported that they spent the same amount of time with students.²⁷ Two-fifths (41.7%) spent less time (30.6%) or much less time (11.1%) with students.²⁸

In response to an open-ended question about what worked well in the online format, one respondent identified a “community spirit that I hadn’t experienced in the past.”²⁹ The respondent further cited PowerPoint slides as helpful tools for “guiding students through the discussion” in a first-year class, even though the instructor would not use slides in a traditional classroom format, “as it encourages students to focus on what is written rather than coming to conclusions [on] their own.”³⁰ Another said that: “Regular, short written assignments required ALL students to think about and apply the material in real time. This also allowed me to better assess student learning for the entire class, and to course correct in real time.”³¹ When pressed, faculty members did identify some advantages to the shift to online learning, including actual time savings due to reduced commuting (72.7%), students’ ability to listen to recordings (60.6%), the greater ease of conducting online office hours (30.3%), and learning student names (24.2%).³² But some instructors felt negatively about online learning as a whole, saying, “It went better than I expected, but nothing was good,” one instructor said.³³ Still another said that “Nothing, really” worked well in online classes.³⁴

24. *Id.*

25. *Id.*

26. *Id.*

27. *Id.*

28. Crawford, Survey of Law Professors, *supra* note 18.

29. *Id.*

30. *Id.*

31. *Id.*

32. *Id.*

33. Crawford, Survey of Law Professors, *supra* note 18.

34. *Id.*

Based on conversations with national and local colleagues, our anecdotal impression is that most faculty members were overwhelmed, especially in the first few weeks after the shift to online classes, with the amount of extra time that it takes to prepare for an online class session, compared to teaching in-person. Because the switch came mid-semester, most faculty members already had developed a relationship and rhythm with their class; the disruption required instructors to develop different ones going forward.

The survey results inspire us to know more about the differences among respondents who reported their contact with students increased during the initial months of the pandemic and beyond. There may be gender, race and age/seniority dimensions that our survey does not capture. We would be interested in determining whether there is any correlation between self-reported increased student contact and a faculty member's intra-institutional reputation as "approachable" (or not). We suspect that those who are considered "approachable" found themselves doing significant, pandemic-related labor with students that was not directly related to the course.

Another line of inquiry that our survey did not pursue is the ways that faculty members used the remote classroom as an opportunity to model or encourage professional behavior. For us as teachers, we know that seeing students on our screens made it extremely easy in some ways to know when students were texting or not paying attention. In other ways, it was more difficult to monitor student engagement. Furthermore, like our students, we as instructors were often in situations where a pet, child, or other member of our own households became visible or audible to the rest of the group. This "visual reality" of home life of both students and faculty made teaching more interesting for some; it contributed to anxiety of many learners and instructors.

Finally, because we could not have foreseen that the public health crisis would continue into the following academic year (and beyond), we did not inquire about longer-term impacts on other aspects of faculty responsibilities, including production of scholarship. We hypothesize that many of the same factors that impacted teaching and home life during the early months of the conditions salient during the early months of the pandemic—including increased caretaking responsibilities, health and financial concerns, and lack of access to necessary resources—constrained scholarly productivity and made difficult many other aspects of faculty work.

III. MEASURING FACULTY SATISFACTION AND PERCEIVED STUDENT SATISFACTION

In reflecting shortly after the Spring 2020 semester, perhaps not surprisingly, faculty members overwhelmingly stated a preference for teaching

in the traditional, in-class format to the online format.³⁵ Specifically, 80.5% of respondents said they liked online teaching “less” or “much less” than in-person instruction.³⁶ It is not clear how that connects to student preferences about online education generally,³⁷ although certainly student views about distance education likely would be influenced by whether they had voluntarily enrolled in a course that was partially or entirely online, as opposed to enrolling in a course that was intended to be a live course but involuntarily switched to a distance format part-way through the semester.

To a certain extent, faculty preferences for in-person instruction tracked their self-reported perceptions of student satisfaction with the quality of instruction, both prior to the disruption and after the shift to online learning in the Spring 2020 semester. For example, we asked instructors, “Before the disruption and switch to online learning, how satisfied do you think your students were with the quality of your instruction?” Nearly all (94.6%) of instructors estimated that students were extremely satisfied (37.8%) or very satisfied (56.8%) with the quality of the professor’s instruction.³⁸ 5.4% of respondents gauged students as satisfied, and not a single one perceived students as unsatisfied or extremely unsatisfied.³⁹ After the disruption, the perception changed somewhat: instructors estimated that students were extremely satisfied (20%), very satisfied (48.6%), satisfied (25.7%) or unsatisfied (5.7%).⁴⁰ Again, no one perceived that students were extremely dissatisfied with the quality of instruction either before or after the shift to online learning.⁴¹

35. Crawford, *Law Professors Prefer In-Person Instruction*, *supra* note 7.

36. *Id.* (The survey indicated that 47.2% respondents liked online teaching “less” and 33.3% of respondents liked online teaching “much less”). “Sometimes surveys reveal the obvious!” one of us said of these results. *Id.* Dan Rodriguez drolly commented: “Water is wet.” Daniel B. Rodriguez (@DBRodriguez5), TWITTER (May 18, 2020, 11:20 AM), <https://twitter.com/DBRodriguez5/status/1262417677013803009>. By way of comparison, approximately 70% of college students said that online education is “worse” than in-person instruction. *April Replication: National Student Survey Higher Ed and COVID-19*, SIMPSON SCARBOROUGH (Apr. 2020), <https://info.simpsonscarborough.com/april-replication-national-student-survey-download>.

37. As Matthew Bruckner points out, “Millions of students a year take instruction partially or completely online. Some people prefer it.” Matthew Brucker (@Prof_Bruckner), TWITTER (May 18, 2020, 9:24 AM), http://web.archive.org/web/20200518163832/https://twitter.com/Prof_Bruckner/status/1262418683009384450 (linking to data showing over three million students enrolled in exclusively online education courses in 2018). *See also Fast Facts: Distance Learning*, NAT’L CTR. FOR EDUC. STATS., <https://nces.ed.gov/fastfacts/display.asp?id=80> [<https://perma.cc/4KL8-EWZP>] (stating that “[i]n fall 2018, there were 6,932,074 enrolled in any distance education courses at degree-granting postsecondary institutions” and that 3,257,987 of these students were enrolled in exclusively distance education courses).

38. Crawford, *Survey of Law Professors*, *supra* note 18.

39. *Id.*

40. *Id.*

41. *Id.*

As faculty members ourselves, we suggest that instructors may have overestimated the level of student satisfaction with instruction, even in the traditional setting. Many professors have been comfortably teaching the same courses in the same way for many years. The overnight switch to remote teaching during the pandemic did not afford faculty members any time to assess and learn the advantages and disadvantages of teaching differently. Also, for some faculty members, like some orchestra conductors, it is difficult to do one's job if one cannot feel the rhythm and pulse of the entire group. The distance format makes that particularly difficult.

We also note that among many of our national and local colleagues, the pandemic has revived longstanding conversations about the purpose of law teaching. Are we teaching analytical thinking? Are we providing information? Are we developing practical skills? A little bit of everything? The survey leaves unexplored many further distinctions that are relevant to the discussion: teaching in first-year versus upper-level courses; teaching upper-level core courses (such as Evidence or Corporations) versus electives; teaching in clinical settings versus seminars versus large-group, "podium" courses. The early months of the pandemic tended to funnel pedagogy into a narrow range, even if that teaching style was not well-calibrated to the course or the skill set or preferences of the faculty member (or students). The survey does not capture this complexity or take into account any long-term impacts on legal education. When administering the survey in May, 2020, we had no way of knowing that the public health crisis would last well into the future.

IV. WHAT LAW FACULTY WANT THEIR STUDENTS TO KNOW

Twenty-eight of thirty-seven of those surveyed chose to respond to an open-ended question about what they would like their students to know. Among the representative responses were:

- "It takes much longer to prepare for online teaching. It is demoralizing to lecture via the internet to 70 students who don't want to participate."
- "I wish students would feel as free during in-person semesters to pick up the phone as they have during the pandemic."
- "While it took time for faculty to learn how to teach online, it also takes time for the students to learn how to learn online. I think they did not focus on that aspect as much as the former—and they are much more responsible now individually for their learning."
- "Just like them, we are trying our best under difficult circumstances. Neither they nor we can expect perfection under the circumstances."
- "It's been incredibly hard to maintain my teaching standards all the while being sick with [C]ovid and caring for two small kids, in addition to financial and other stress."

- “Teachers need your energy more than you realize. Invest in good internet and let me see you and hear you. It’s YOU that motivates me, not the sound of my own voice.”
- “Learning and critical thinking are most effective when you have active engagement with others/not passive listening.”
- “It really helps if they keep their video camera turned on or at least have a photo of themselves that shows when the camera is off.”
- “Faculty are also dealing with additional stress and a lot of extra work trying to figure out how to make the switch to online teaching with little notice. Faculty are also dealing with personal and professional matters that have been negatively affected by the pandemic. We are also scared about getting sick or having our loved ones get sick. Finances are also a source of worry, not only about our own finances but also members of our family and friends.”
- “Give us plenty of feedback about what works in online teaching! Unlike in-person teaching, we profs have probably never taken an online course, so cannot draw on our own experiences.”⁴²

There are three key observations from these responses. First, during the Spring 2020 semester, faculty members felt new to distance education, just as some students did. They referred to the “time for faculty to learn to teach online” and “trying to figure out how to make the switch to online teaching with little notice.”⁴³ Second, professors wanted engagement with their students. They expressed a desire that students actively engage in their own learning and signal virtual “presence” by turning their cameras on. They wanted students to feel “as free during in-person semesters to pick up the phone” as during the pandemic.⁴⁴ Third, faculty members were facing many of the same challenges that our students were, and they found the working conditions to be difficult. Faculty members reported that they were sick “or scared about getting sick or having our loved ones get sick.”⁴⁵ They have responsibility for small children or older family members and are “trying our best under difficult circumstances.” The concerns of faculty members were similar to what we knew our students’ concerns to be.

Our personal sense is that “what a faculty member wants their students to know” depends a great deal on how comfortable that instructor feels being vulnerable in front of students. We know from experience and from conversations with national and local colleagues that many faculty members take seriously their informal and formal student evaluations, that they are concerned

42. Crawford, *What Law Faculty Want Students to Know*, *supra* note 7.

43. *Id.*

44. *Id.*

45. *Id.*

with how evaluations will be used, and that they are concerned with issues of bias in teaching evaluations.⁴⁶ All the same, we believe that a positive learning environment results when students can understand (and sometimes actually see) that faculty members are facing the same pandemic-era challenges at home and otherwise.

V. WHAT LAW FACULTY WANT THEIR COLLEAGUES TO KNOW

In addition to asking surveyed faculty what they wanted their students to know, the survey asked: “Reflecting about your personal experience or about the experience of faculty generally during the pandemic, are there things you would like your faculty colleagues in general to know?”⁴⁷ Twenty-three of thirty-seven respondents provided one or more answers. Responses included:

- “My colleagues may know this, but I would say that distance learning is not an excuse to compromise on the Socratic method.”
- “For those faculty who almost literally phoned it in, the students saw you for what you are—privileged hypocrites. And for those faculty who hung in there and worked your tails off, the students were grateful for your commitment, care, and concern.”
- “Hiding from technology is no longer optional—everyone needs to get up to speed with this type of technology, full stop.”
- “A great deal of what teaching and learning experts declare to be best practices for distance education—particularly when it comes to ‘engaging’ students via ‘edtech’ platforms and/or corporate videoconferencing platforms—also doesn’t work very well.”
- “Empathy is a valuable tool to use and model.”
- “Some of us are dealing with extra burdens that we do not share with our work colleagues.”
- “You must work really hard to keep students engaged. I called on 20+ students each class.”
- “Work-life balance was already difficult and became even more difficult.”
- “Online teaching certainly takes more time and effort up front to prepare adequately, because you can’t rely on performance ability, and it’s more difficult to be spontaneous. But, if you put in the extra time, I think students can learn just as well.”⁴⁸
- “Sadly, some (many?) faculty members expected students to adapt to the circumstances and be resilient, but those same faculty members did not

46. See, e.g., Gregory S. Parks, *Race, Cognitive Biases, and the Power of Law School Teaching Evaluations*, 51 U.C. DAVIS L. REV. 1039, 1039 (2018) (describing gender and race biases in teaching evaluations).

47. Crawford, *What Profs Want Their Colleagues to Know*, *supra* note 7.

48. *Id.*

make any effort to adapt or learn how to best serve their students when things changed. The hypocrisy was appalling.”⁴⁹

Two distinct refrains emerge from these comments: faculty frustration (“privileged hypocrites,” “[h]iding from technology is no longer optional”) and a desire for their stress and experiences to be recognized (references to “empathy,” “hard work,” and “extra burdens”). We suspect that these messages, taken together, are not so different from what faculty members want to express to each other during times of traditional instruction. There are always faculty members who believe that they are working harder than others, whether in teaching, scholarship, or service. There are always faculty members perceived as not fully participating in the school community. Perhaps the early months of the pandemic only amplified those feelings, and these are reflected in the survey. Further investigation might explore the ways that the pandemic created new and different types of perceived inequalities in workload across faculty members.

VI. WHAT LAW FACULTY WANT THEIR DEANS AND ADMINISTRATORS TO KNOW

In addition to asking law teachers about what they wanted their students and colleagues to know, the survey asked what the respondents wanted their deans or other administrators to know. Twenty-six of thirty-seven survey respondents provided answers to the specific question: “Reflecting about your personal experience or about the experience of faculty generally during the pandemic, are there things you would like your law school dean/administration to know?”⁵⁰ Representative responses include:

- “That distance teaching is exponentially harder than classroom teaching and it [sic] despite one teacher leading the class, delivering a good classroom experience requires back office support from assistants, the registrar, IT.”
- “As the saying goes, a crisis reveals people’s true colors. I hope that you were watching. Also, you made little or no effort to either bring people together or facilitate collaboration. It all occurred on its own.”
- “There is a loose, collective feeling among both students and faculty that increased cheating may be taking place. As we move to online learning, we may need to adjust how we conduct our assessments to address these issues, and the current solutions may not be sufficient.”

49. Crawford, *What Law Faculty Want Students to Know*, *supra* note 7. This comment actually appeared in response to the question, “Reflecting about your personal experience or about the experience of faculty generally during the pandemic, are there things you would like your students in general to know?” Because it seemed directed to colleagues, we moved it here in reporting results, for readability.

50. Crawford, *What Profs Want Their Deans to Know*, *supra* note 7.

- “Before administrations start rushing to cut the salaries of faculty and others whom they have expected to pitch in and rise to the occasion during constrained times, they might consider all of the work that we do every day and have done even more of now. You can’t keep asking [of] faculty incessantly and expect them to keep giving.”
- “We have no clue what we’re doing and we’re doing it very badly. Support and reward those who figure out how to do it well, please.”
- “Both at my school and generally, to the extent that I could detect similar things at other schools (via social media and email), the collective sense of technological insecurity was and is profound. That’s competence and comfort with contemporary technology, not access to it. The practicing bar and related parts of the legal services worlds have embraced tech tools to a startling degree over the last decade. Legal academia - not so much.”
- “Online teaching is more time consuming than face to face teaching.”
- “Faculty are human. We are being asked to do more administrative, clerical, and student counseling work in very stressful circumstances. Faculty also need help coping with it all.”
- “We need to figure out how to recapture or foster (as best we can) the personal exchanges. I am not sure our administrators care about this personal approach since deaning [sic] is external and vice deaning [sic] is focused on ease of administration. But our admin issues may be more a function of the personalities involved.”⁵¹

These comments reveal that during the Spring 2020 semester (and beyond, we surmise), there was concern about the disconnect between faculty experiences “on the ground” and the sources of administrators’ attention (“I hope that you were watching”) or priorities (“you made little or no effort to either bring people together or facilitate collaboration”).⁵² In the twenty-six responses to this question, one respondent said of the law school dean/administrators, “Their support and regular faculty meetings have been very helpful and helped maintain a sense of community under these unique circumstances.”⁵³ Otherwise, there were not many positive comments for this group of intended listeners in particular. As in the comments for the students⁵⁴ and faculty colleagues,⁵⁵ one can detect great frustration and a desire to be recognized as suffering hardships.

In response to a similar question about university administration (“Are there things you would like your university administration to know?”), of the twenty-one respondents, many expressed frustration with limitations of specific

51. *Id.*

52. *Id.*

53. Crawford, Survey of Law Professors, *supra* note 18.

54. See *supra* Part IV.

55. See *supra* Part V.

technology used for distance learning, but not about the action or inaction of university administrators generally.⁵⁶ One respondent was especially complimentary, saying: “Our university really stepped up to make sure that we had a sophisticated, functioning online platform with various options for instruction. Any issues that arose were immediately addressed by a new response time. I was incredibly impressed by the resources put into this in such a short time period.”⁵⁷ But another said: “My perception is that [u]niversity administration was in way over its collective head.”⁵⁸

Taking the longer view, and informed by the experiences one of us has as a former law school dean, we appreciate that it is difficult for faculty members to understand the number of constituencies that the law school dean or university administration must consider. At the law school level, the dean must maintain balance among those constituencies in order to make sure the institution continues to be able to function at the highest level. The COVID-19 pandemic created havoc in student learning and faculty teaching, first and foremost. It also impacted every other part of the institution’s structure and the relationship between any university’s constituent schools (e.g., the law school, the business school, etc.) and the university. Many schools and universities experienced sudden and steep loss of revenue, a severe decline in giving, and loss of jobs by alumni and members of their boards of trustees. Leaders themselves may have experienced their own illnesses, or the sickness and death of family members and colleagues. Staff members, too, had to figure out how to work from home. Technologically-speaking, many staff members were less equipped to work from home than faculty members or students were. Information technology departments suddenly became one of the most important departments on campus. Admissions officers had to figure out how to continue to recruit students who could not come to campus. Student services offices had to deal with an onslaught of issues that had been unimaginable a few short months prior. There were sudden, new expenses associated with the pandemic including new technological platforms and hardware needs of faculty, staff, and students. Schools needed new policies for everything from refunding students for housing to ensuring academic integrity on remotely-administered exams. Everyone was (and is) under tremendous pressure. The depth and breadth of the pandemic’s impact on higher education continues to be revealed. In planning for an uncertain future, kindness, patience, and collaboration are in high demand.

CONCLUSION

These survey results are in no way representative. The respondents were unscientifically chosen—solicited only based upon the authors’ personal sense

56. Crawford, Survey of Law Professors, *supra* note 18.

57. *See id.*

58. *Id.*

of who might be willing to respond. The survey respondents do not represent any particular institution, viewpoint, or demographic. Given this inability to make any claims about generalizability, the survey results presented here represent only a snapshot of one particular moment in American legal education as experienced by the (anonymous) survey respondents. Thus, it is reasonable to disregard the survey results entirely. Even so, it may not be advisable to do so.

Given the uncertainties facing higher education, all of us who care deeply about delivering the best quality education to students need to listen carefully to those who have been asked to do so. As much as teachers were focused on making sure their students' educations were uninterrupted by the pandemic, the future health of our colleges and universities suggests that an equal focus would be well-placed on ensuring that faculty members have the tools, communities, and support they need to be successful. In the early months of the 2020 pandemic, the virus afforded no opportunity for extensive training in online teaching techniques or time to redesign courses for delivery in the online format. For the most part, the anecdotal impression from the survey discussed here is that law teachers cared deeply about their students' education and well-being, faced significant personal challenges and stresses, and adapted their teaching techniques as the situation required. When law school deans and university administrators reflect on the experience of teaching and learning during the first months of the pandemic (and beyond), they would do well to consider that the faculty surveyed here are expressing a strong desire and need to be heard and valued for the work they did. They, like our students, faced difficult circumstances, but little attention has been devoted to faculty experiences, perhaps because as experienced professionals, we are expected to adapt.

Law school administrators and others could use the results of this (unscientific and unreliable) survey to develop an instrument designed to elicit more information about the experiences of faculty members teaching at their schools. We need to know more about the long-term impacts of the public health crisis on all aspects of faculty work, not just its most visible form—teaching. With more information, deans and associate deans might be better situated to provide material and professional support to the instructional staff. To be sure, the pandemic is something none of us has experienced before. If there are any lessons to be drawn, they include familiar ones about the importance of the communities where we live and work.