

Leaning into Uncertainty

Ensuring
Quality
Legal
Education
During
Coronavirus



Conference Report

Roundtable 6: Maintaining Strategic Priorities and
Institutional Health Through Crisis





In the sixth and final roundtable, titled “**Maintaining Strategic Priorities and Institutional Health Through Crisis,**” participants brainstormed strategies for moving from the reactionary model of operation that many schools have been in since the pandemic began to more sustainable, long-term planning. Participants were asked three questions on when post-COVID-19 planning should begin, how to adapt their strategic plans now and in the future, and how to identify and address unusual issues that may arise in the coming year or two.

Alex C. Geisinger, Associate Dean for Faculty Development and Research and Professor of Law at Drexel University Thomas R. Kline School of Law, organized the roundtable. **Marcilynn Burke**, Dean and Dave Frohnmayer Chair in Leadership and Law at University of Oregon School of Law, and **Darby Dickerson**, Dean and Professor of Law at UIC John Marshall Law School, The University of Illinois at Chicago, presented the session.



Question I. At some point, all schools need to emerge from “emergency mode” and start thinking about what they will and hope to look like after the pandemic subsides. But faculty and key staff members are very busy, and different schools have varying degrees of engagement with faculty over the summer. How and when should law school leadership start discussing the vision of what the school should be after COVID-19?

1. Planning

- a. Law schools may have some independence in terms of what plan to implement particularly because of ABA standards and should think about leveraging the ABA standards as needed.
- b. The logistics and immediate responses to COVID-19 planning are currently taking a lot of time. Leadership may need to acknowledge limitations and to find a way to triage long-term goals so that important ones continue to be pursued.
 - i. How to approach strategic planning in the midst of this?
 1. Faculty task forces/planning over the summer for strategic planning;
 2. If possible, split planning: use some faculty and resources to focus on planning for the present moment and others on planning for the long-term;
 3. Document which COVID-19 responses are actually advancing long-term visions/strategic plans;
 4. Consider revising strategic goals. For example, how should we prioritize equity/diversity in times of COVID-19?;
 5. Triage: Identify the long-term goals that are not being advanced or are being obstructed and build a plan for how to achieve them;
 6. Use some resources for getting information and identifying ways in which legal education may change; and
 7. Don't be afraid of looking for things that can be wound down and finished.
- c. Communication is key during this time for students, staff and faculty.
 - i. Schedule meetings as placeholders. Have times available for people to ask questions.

2. Potential concerns to consider in planning

- a. Students now realize issues with assessments (formative v. summative); and potential benefits of many assessments throughout semester;
- b. Bar reform: there is a possibility of going to an open-book bar exam, once the exam is online. There is already a multiyear, ongoing process considering the bar exam and what it is testing;
- c. Everyone has become more proficient with technology. It will be integrated more into what we do in every way. Technology use can increase participation of faculty and students (e.g., faculty meetings might continue to be online so that people don't have to come into the building). Schools must have a complete plan regarding technology use; and



- d. It's been positive to experience the collective sharing of ideas between schools. Will schools find ways to cut costs/build programs through cooperative efforts?

Question 2. COVID-19 creates both limits and opportunities for pursuing existing priorities and goals that many of us share, such as diversity and equity. What priorities does COVID-19 impact, either positively or negatively—and how?

1. Positive

- a. Course redesign: teaching online has revealed general issues in course design and delivery and pedagogy. Can we use this moment to think about optimal delivery of legal education?;
- b. Assessment redesign;
- c. Social justice programs;
- d. Online offerings may be a silver lining here, as a potential financial positive in the future;
- e. Forced us to think deeply about how we connect with students outside of the classroom; leadership has been more thoughtful and strategic on why we are holding an event and its objective. Is it student-student? Student-alumni? Student-employer? Student-faculty?;
- f. Created a focus on importance of consistent and transparent communication and maintaining relationships;
- g. Everyone is showing more appreciation for people who often go unrecognized;
- h. Opportunity: higher enrollment in summer online courses may be a model that continues in the future;
- i. We no longer have to look for the examples to showcase the structural and systemic inequalities in this country. Can become a touchstone for the core values of the rule of law, equality, and professional identity; and
- j. Teaching assistants are helpful with maintaining student contact and bridging the gap between professor and student.

2. Negative

- a. It may be much more difficult to expand academic support and to support at-risk students;
- b. Faculty resistant to online teaching (is this both positive and negative?);
- c. Diversity and equity impacts;
- d. Career Services goals and job-related goals are also challenging, but there have been various opportunities that have surfaced. Career Services is more important than before. Student life and services have been key;
- e. Bar passage instruction and support has also been challenging;
- f. Dedicating more resources to the care of students than usual. To the extent faculty is doing this, there may be concern about disproportionate (potentially gendered) load;
- g. Concerns about staff—how to redesign and support their roles at the school;
- h. Our students have no idea what's needed to get things done (i.e., raising money, advocating with state bars, technology rollouts); there may be the perceptions that administration/faculty



aren't working on this. Must communicate, even if it is just to say we hear you even if we can't fix it; and

- i. Hiring freezes and budget concerns that compromise growth and diversity **priorities**.

Question 3. We all want to be prepared for any eventuality that will arise as a result of COVID-19, but these are times of tremendous uncertainty and complexity. While we have identified many of these issues (many addressed in other sessions of this conference), what are some of the important but less foreseeable issues that law schools are or will be facing during the coming academic year or two?

1. The development of online

- a. Possible growth of interest in online classes: this may be driven by students; there may be a groundswell of demand from students once they experience it. Should ABA make permanent changes to 306 to allow more online education moving forward?
- b. How do law schools handle situations in which faculty member(s) become sick or severely ill? How are courses covered? How should student absences be dealt with? If 1Ls are prioritized for in-person classes, how does school respond if they have worse health outcomes?

2. Student and faculty concerns

- a. How will students (mostly 1Ls) actually make friends and meet colleagues? Who will help them persist through law school?;
- b. How will working from home impact different genders and how will this be accounted for?;
- c. Will this year's 1Ls not learn as well due to feeble efforts at distance education or hybrid in-person courses? If so, how will we make up for this in coming years? How can we respond this year?;
- d. Student support issues: student support resources are likely to be in higher demands; it's hard to say what the nature of those demands will be. How should we be proactive in addressing these needs?; and
- e. How will we accommodate people with disabilities, including an unassessed one, in the current learning environment? We need to understand best practices for this and integrate into the teaching plan for this coming year.

3. Financial concerns

- a. Budget crunches coming in second and third waves. We need to plan for the possibility that budgets will be cut a number of times over a period of years. This will be different for different schools;
- b. Uncertainty of the job market;
- c. Potential demand for lower tuition, implications for budgeting and rethinking value proposition of law schools;
- d. Do we need different approaches to fundraising (e.g., loss of annual events, usual reliable supporters who can't come through in the same way as in the past due to COVID-19 impacts—it's much harder to connect with donors)?; and



e. What is the impact on foundation support?

4. Other Concerns

- a. Potential for litigation on safety, etc.; need for risk assessment, planning ahead for this in context of already strained budgets;
- b. Concerns about all conversations and classes being recorded for “permanent record” chilling students and faculty alike;
- c. Concern about polarization and the pandemic—a very challenging combination of issues in November when students are preparing for exams/second wave of the virus; and
- d. How do schools enforce social distancing, mask-wearing, and other potential safety issues? How should someone be told they need to leave campus? How can those conversations be frontloaded (1L on-campus, 2L & 3L online)? Schools need to proactively build relationships and promote wellness/hygiene.

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