

A SURVEY OF LAW SCHOOL DEANS ON THE IMPACT OF THE COVID-19 PANDEMIC

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We conducted an anonymous survey of deans at ABA-accredited law schools asking questions about the impact of the COVID-19 pandemic on legal education and on law school students, faculty, and staff. Invitations to participate in the survey were distributed through a listserv maintained by the ABA. The first invitation was sent out on November 20, 2020 and the last response was received on December 18, 2020. The survey was comprised of 56 questions, including six optional, extended response prompts. We received 51 total responses, representing a bit more than 25% of the 199 deans of ABA-accredited law schools.¹ Not all respondents completed all of the questions, but we received responses for all of the questions on the survey from at least 20% of the 199 deans of ABA-Accredited law schools.

Our key findings include the following:

1) Deans overall have moderate concern over the impact of the COVID-19 pandemic on their students' education, with some reporting high concern and some reporting no concern.

2) Most deans did not feel political pressure to maintain in-person classes during the pandemic. A small number of deans at public institutions, however, did feel substantial political pressure to maintain in-person classes.

3) Most law schools had relatively low rates of COVID-19 infections among students, faculty, and staff.

4) J.D. enrollment at most law schools increased at most law schools during the pandemic. Enrollment by non-J.D. students and international students tended to go down. Overall enrollment at parent universities also tended to go down.

5) The COVID-19 pandemic had a negative impact on:

- a) the finances of many, but not all, law schools;
- b) the emotional wellbeing of law school students, faculty, and staff;
- c) the stress level of law school deans.

The first four questions of the survey collected information on the state in which the school was located, the total J.D. student count, the total non-J.D. student count, and whether the school was part of a university. We have not published the responses to these questions to preserve respondent anonymity. Question 5 asked whether the law school was public or private. The respondents were split almost evenly, with 25 responding that their law school was public and 26 responding that their law school was private. Question 6 asked whether the law school was religiously affiliated. 10 respondents indicated that their school was religious and 41 indicated that their school was non-religious, indicating an approximately 20%/80% split in responses between religious and secular institutions.

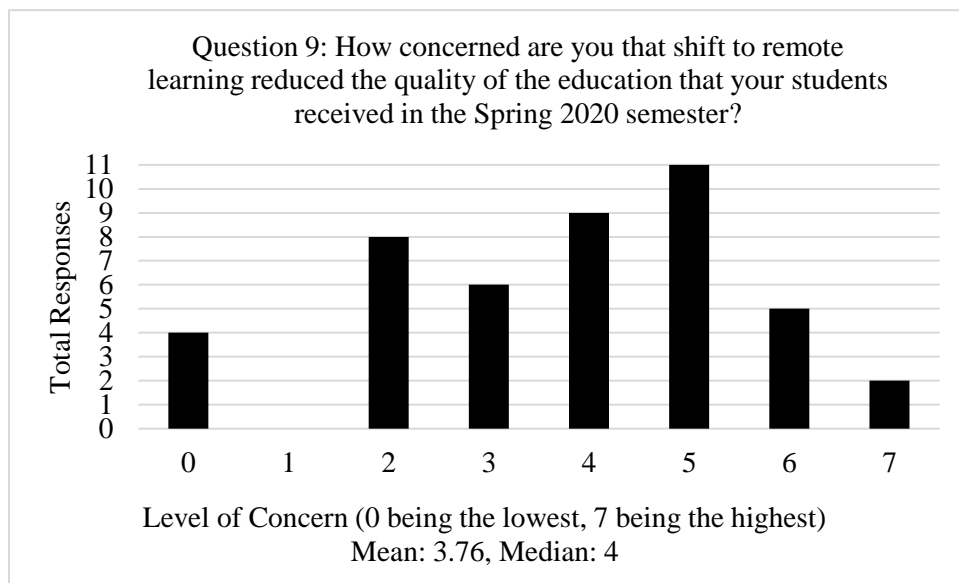
Spring 2020 Semester

The COVID-19 pandemic started impacting law schools in the United States in the middle of the Spring 2020 semester. The survey asked a series of questions about the impact of the pandemic during this semester.

1. https://www.americanbar.org/groups/legal_education/resources/aba_approved_law_schools/

The vast majority of respondents (47/51) indicated that their law school moved to remote learning during the Spring 2020 semester. Only four respondents indicated their school did not move to remote learning for this semester. Those that moved to remote learning indicated that the transition was made at some point between February 28 and March 30. Most of the schools that transitioned to remote learning (36/45, or 80%) did so between March 13 and March 23.

Deans were asked how concerned they were “that the shift to remote learning reduced the quality of the education that your students received during the Spring 2020 semester.” Most respondents indicated moderate concern, with only two indicating the highest level of concern:



Summer 2020 Semester

Of the respondents who had summer classes for the Summer of 2020, all of them were 100% remote learning. Eight of the 45 deans who responded to this question indicated that their law school did not offer summer classes.

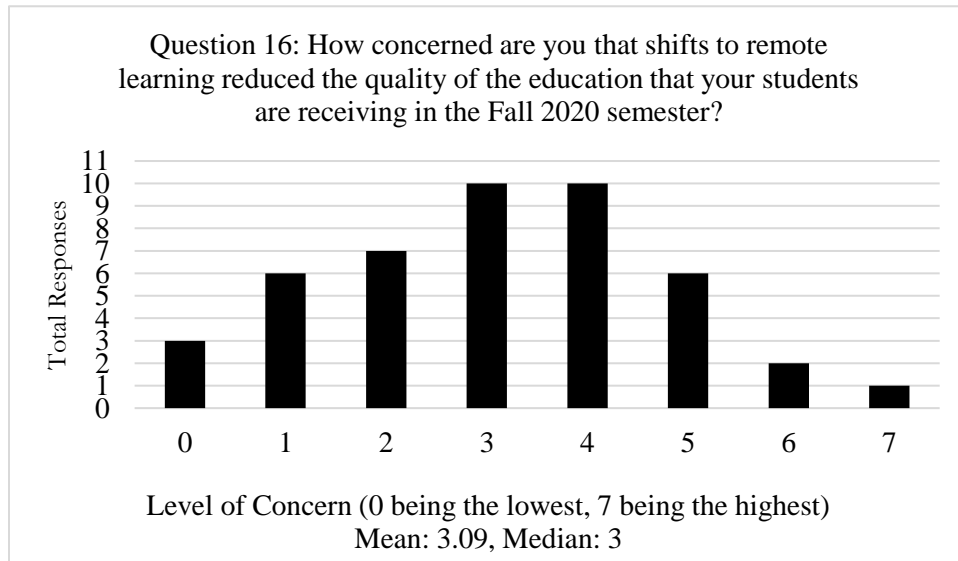
Fall 2020 Semester and Spring 2021 Semester

Respondents were asked what percentage of courses offered at their school used remote learning (100% online or hybrid learning that is mostly online) for the Fall 2020 semester. The responses averaged 63% remote. 10 respondents said that 99-100% of the classes at their school for Fall 2020 were remote. Only four respondents indicated that their school had 80% or more of their classes in person. Respondents were asked the same question for courses planned for the Spring 2021 semester. The responses averaged 64.5%, indicating only a minor change from the responses for the Fall 2020 semester.

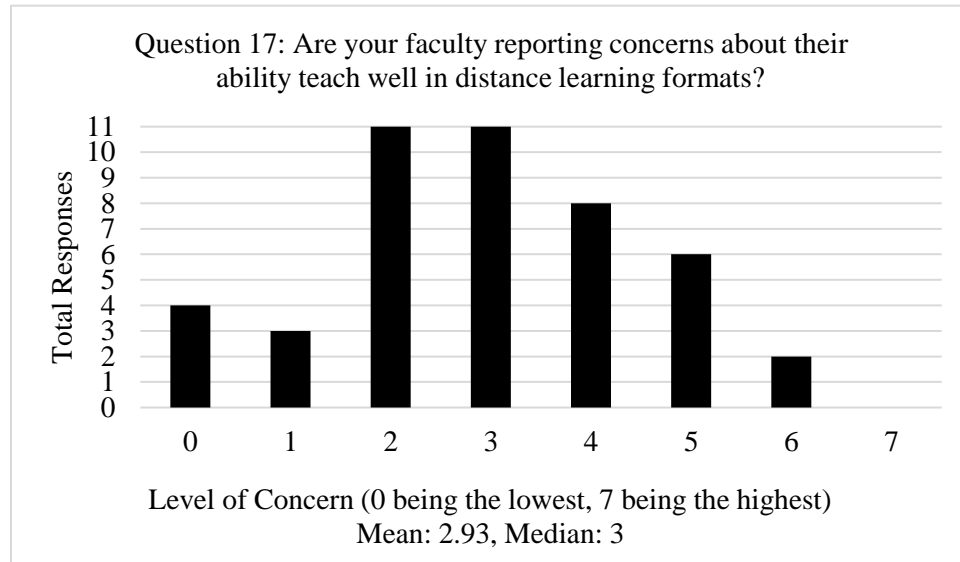
The survey asked two questions about students enrolled in clinical courses for the Fall 2020 semester. First, the survey asked “are students enrolled in clinical courses meeting in person with their clients?” Respondents were almost evenly split, with 22 responses indicating that students at their school were not meeting with clients in person and 23 responses indicated that students were meeting in person with clients. Second, the survey asked “are students enrolled in clinical courses attending court hearings and similar proceedings in person?” The responses to this question indicated a slight increase in in-person participation, with 18 responses indicating that students were not attending court hearings in person and 27 responses indicating that students were attending court hearings in person. The small shift likely reflects the fact that clinics and clinical students have more control over the choice of whether to meet with clients in person than the choice of whether to attend court hearings in person.

For schools that had at least some in-person courses, respondents were asked “how satisfied have you been with student compliance on mask wearing and other safety-related conduct?” The responses averaged 6.5/7, where 0 indicated “least satisfied” and 7 indicated “most satisfied.”

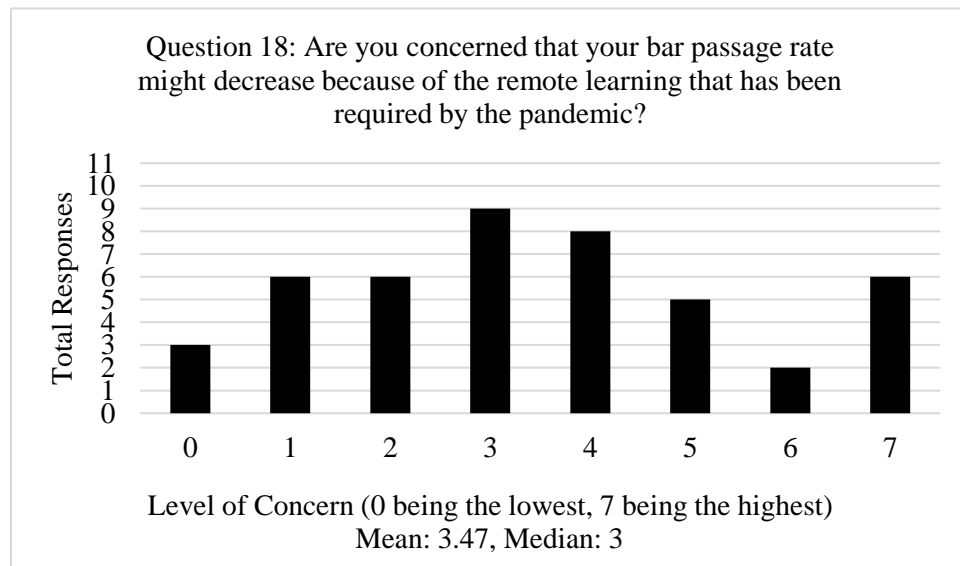
As with the Spring 2020 semester, the survey asked respondents how concerned they were “that shifts to remote learning reduced the quality of the education that your students are receiving in the Fall 2020 semester?” The responses overall were similar to those for the Spring 2020 semester:



The survey asked a related question about whether faculty at the respondent’s school were “reporting concerns about their ability to teach well in distance learning formats?” Respondents again reported moderate levels of concern:



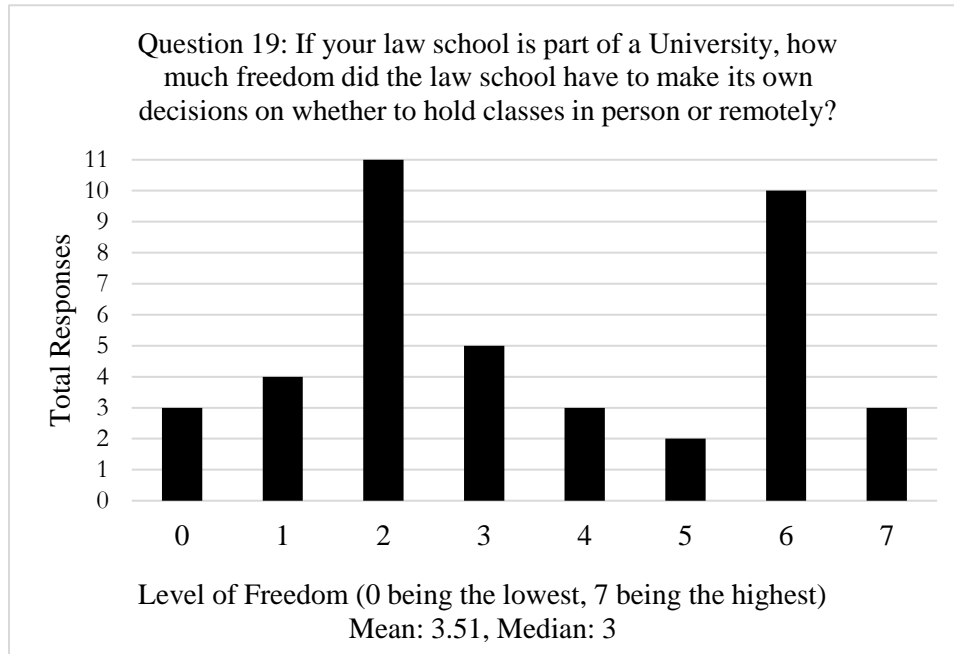
Respondents reported a slightly higher level of concern when asked whether they were “concerned that your bar passage rate might decrease because of the remote learning that has been required by the pandemic?”:



Pandemic Decision-making

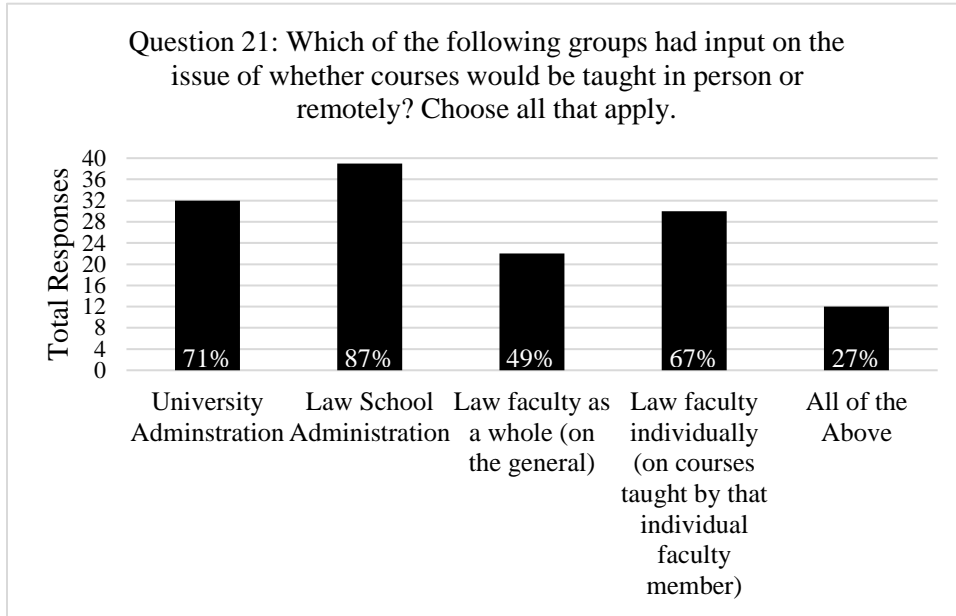
The survey asked a series of questions asking about who was involved in making decisions about remote learning in response to the pandemic. First, the

survey asked Deans at law schools that are part of a University, “how much freedom did the law school have to make its own decisions on whether to hold classes in person or remotely?” The responses are notable for the wide range of decision-making freedom reported:

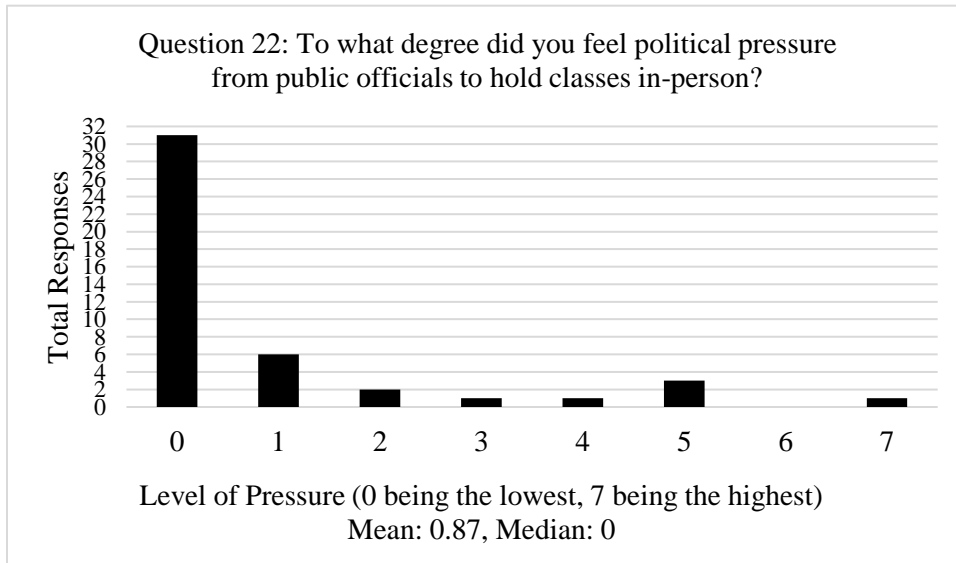


Second, the survey asked whether faculty were “given the freedom to choose on their own whether their courses would be taught in person or remotely?” The responses were relatively evenly split, with 24 respondents (53%) indicating “yes,” and 21 respondents (47%) indicating “no.”

Third, the survey asked which of the following “had input on the issue of whether courses would be taught in person remotely” - 1) the University Administration, 2) the Law School Administration, 3) the Law Faculty as a whole on the general issue and 4) the Law Faculty individually on courses taught by that faculty member? Respondents were asked to choose all that applied, leading to the following results:



Fourth, the survey asked deans “to what degree did you feel political pressure from public officials to hold classes in-person?” The response indicated that at least most respondent schools, deans felt very little political pressure:



A notable minority of respondents (8/45) indicated a strong degree of political pressure to hold in-person classes. All eight of these respondents are deans of public law schools.²

This portion of the survey closed with an optional extended response prompt that asked “how has the COVID-19 crisis impacted the education at your law school?” A selected portion of the responses include the following:

The most significant effect of the COVID-19 crisis has been on the mental health of the student body. The relative degree of isolation and the inability to gather and socialize took an increasing toll over the course of the semester. I believe that significantly detracted from the ability of students to concentrate and focus on their studies as time went on.

We re-opened our library and some other facilities in mid-July so students can come to campus via a registration system to study or attend online classes using the school’s internet. All seats are numbered so we can contact trace. Most issues regarding wearing masks, social distancing, etc. came from students using those facilities. Students attending classes were highly compliant.

Faculty were free to choose whether to be remote (needed an accommodation, liberally offered) or in-person. Faculty working groups and administration (law and university) worked closely to develop a hybrid model of instruction for 2020-2021. The university made the decision that we would be remote, and there was a strong desire to offer as many in-person courses as possible.

We are a small law school that really prides ourselves on being a tight-knit community with a collegial atmosphere that supports our students. Student engagement, both academic and otherwise, is an essential element in our academic success and bar passage programs. I am afraid that the COVID-19 crisis will impact our first-year students negatively for the remainder of their time in law school and as they prepare for the bar.

Although the transition to online learning was sudden and unanticipated, as time has progressed more faculty have learned how to teach effectively online. The biggest challenge has been for those faculty teaching hybrid classes-- in-person classes also offered online. There were technology issues; online students sometimes could not hear in-person students asking or answering questions. It is impossible to predict the post-pandemic future at this point, but I believe that legal education will continue to offer more online courses post-pandemic.

The crisis impacted the education at the [law school], because we had to expand sections and add more adjuncts to cover those sections. Some faculty members were not comfortable with remote classes and many students had difficulty adjusting.

In so many ways. But let me highlight: interactions outside of classes have been greatly affected and I think that it has had a significant impact on the breadth of experience available to students, especially students who are not savvy coming in about the culture of the profession.

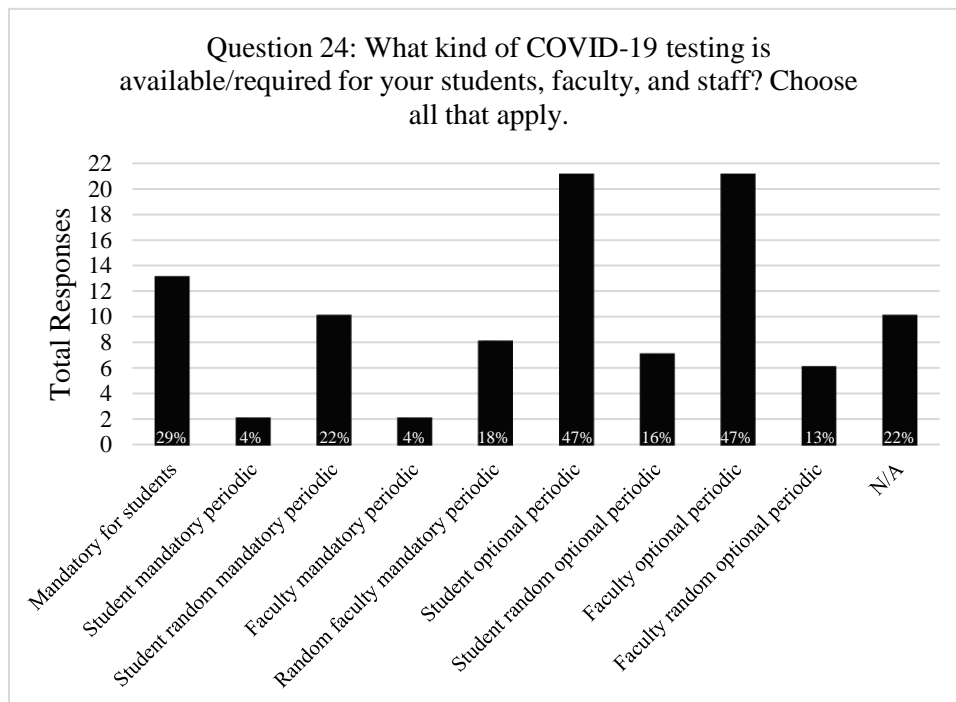
2. These same 8 respondents had slightly higher COVID-19 rates than the other 37 respondents (3.5% compared to 2.1%) and ranked the financial impact of COVID-19 slightly higher (3.25/7 compared to 2.6/7). Interestingly, the same 8 respondents had an average 10.25% enrollment increase, compared to the other 37 respondents’ average 5.5% increase.

Our [school's significant experience with on-line and hybrid courses] enabled us to be very well prepared and confident in the quality of the educational experience the students would receive. The biggest impact has been social, mental health, supporting employee and student crises.

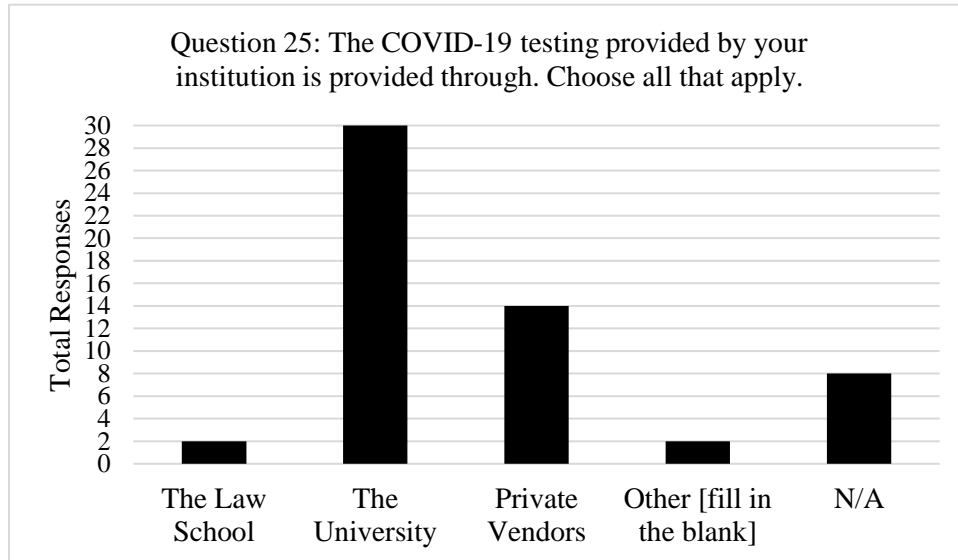
I am somewhat concerned about the learning experience but less concerned than I was with the Spring 2020 semester. Our faculty worked very hard to improve their remote teaching from the Spring, and the feedback that we have gotten from the students has been largely positive. That being said, I think a significant number of students have struggled for a variety of reasons including difficulty learning in remote classes and personal issues (health and/or economic) related to the pandemic.

COVID-19 Testing

The survey asked two questions about the availability and provision of COVID-19 testing. First, the survey asked "What kind of COVID-19 testing is available/required for your students, faculty, and staff?":



Second, the survey asked whether the "COVID-19 testing provided by your institution is provided through (choose all that apply). The two "other" responses were the state department of health and a partner health sciences school.



The survey then proceeded to ask a series of questions about positive COVID-19 tests in the law school community. First, the survey asked “To your knowledge, what percentage of your students have tested positive for the novel coronavirus since the beginning of the pandemic?” The average response was 3%. 24 of 45 (53%) of respondents answered that 2% or less of their students had tested positive for COVID-19. The five respondents with the highest percentages averaged a 10% positive rate. Four of those five respondents were public schools, although we did not detect any correlation between COVID-19 positivity rates and the percentages of in-person classes offered by a school.

Second, the survey asked “To your knowledge, what percentage of your law school faculty and staff have tested positive for the novel coronavirus since the beginning of the pandemic?” Unsurprisingly, the responses were similar to the question about student positivity rates. The average response was 1.8%. 35 of 45, or 78%, of respondents answered that 2% or less of their faculty and staff had tested positive. The five highest-percentage respondents reported an average positivity rate of 8.6%. Four of these five respondents also were in the group of schools reporting the highest student positivity rates.

Third, the survey asked whether “any of your law school’s faculty, staff, or students died of COVID-19 or related complications?” Only one of 45 respondents reported that a member of their law school community had died.

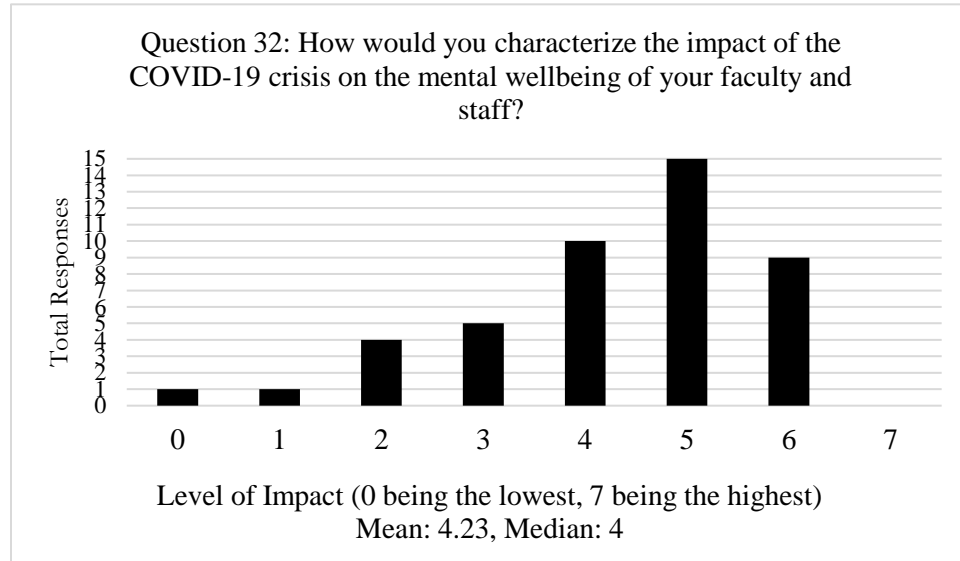
Staff and Faculty Leaves of Absences

The survey asked a series of questions about faculty and staff leaves of absence. The first asked whether any faculty and staff had “taken a leave of absence due to COVID-19 related health issues?” Three of 45 respondents (7%) answered “yes.” The second asked whether any faculty or staff had “taken a leave of absence due to caregiving obligations for a person with COVID-19?” Five of 45 respondents (11%) answered “yes.” The third asked whether any faculty or staff

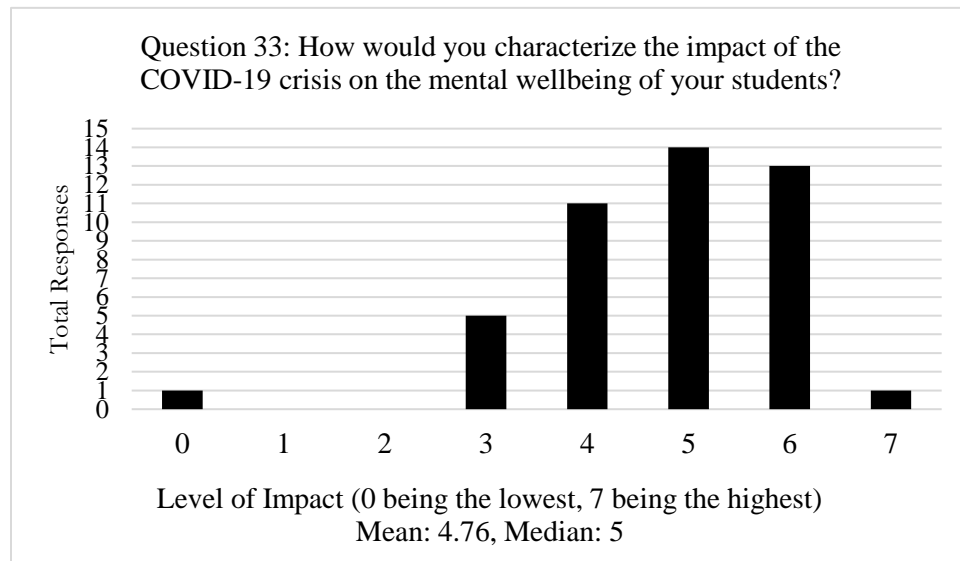
had “taken a leave of absence due to childcare/child schooling issues related to the COVID-19 crisis?” Seven of 45 respondents (16%) answered “yes.”

COVID-19’s Impact on Faculty, Staff, and Student Mental Wellbeing

The survey asked respondents how they would “characterize the impact of the COVID-19 crisis on the mental wellbeing of your faculty and staff?”:



The survey then asked the same question about “the mental wellbeing of your students?”:



This portion of the survey closed with an optional extended response prompt that asked “what has the health impact of the COVID-19 crisis been at your law school?” A selected portion of the responses include the following:

Overall, the COVID-19 crisis has had a minimal impact on our law school to date, thankfully. Only two students tested positive over the course of the fall 2020 semester, with no reported cases among faculty and staff.

The impact felt more severely in communities of color. Many have had family members and friends die. The impact also felt more by those with children at home. We have our own counseling service and have had to add counselors.

We have had 18 positive cases during the fall semester -- 16 students, one staff member, and one faculty member. Many more have been quarantined. Fortunately, none of the members of our law school community have been hospitalized due to COVID, but several have been quite ill.

Because most students are taking online classes, and the University has strict masking and social distancing requirements, the small number of students (5) and faculty (1) who were infected were not infected on campus. The most important health impact has been the effect on the mental health and wellbeing of the law school community.

What is very sad is that we are located in a community with a high positivity rate. But our law school community has remained overall healthy.

The health impact of the COVID-19 crisis at our law school has been relatively minor. It has been significant in terms of our ability to create and maintain community and connection. However, in terms of physical health, we have established and adhered to certain safety protocols that have allowed us to limit exposure and keep the school open throughout the entire semester.

Impact of COVID-19 on Enrollment

The survey asked a series of questions about changes in enrollment during the COVID-19 crisis. Respondents were asked to answer in terms of total enrollment headcount, not full-time equivalents.

First, the survey asked “How did your total enrollment change, by percentage, between Fall 2019 and Fall 2020?” The average response was a 6.2% increase in enrollment. Only seven respondents reported a decrease in enrollment, averaging a 6% decrease. At the opposite end of the spectrum, the same number of respondents reported an increase of more than 15%, averaging a 22% enrollment increase.

Second, the survey asked “How did your non-J.D. enrollment change, by percentage, between Fall 2019 and Fall 2020?” The average response was a 6.2% enrollment decrease. The relatively small number of non-J.D. students at the average law school means that even a few students more or less results in a big percentage change. The highest reported increase in non-J.D. enrollment was 66%, mirrored by the highest reported decrease in non-J.D. enrollment of 66% decrease. 17 of 45 respondents (38%) indicated that their law school did not have any non-J.D. students.

Third, the survey asked “How did your international student enrollment (both J.D. and non-J.D.) change, by percentage, between Fall 2019 and Fall 2020?” This decrease is unsurprising in light of the impact that the COVID-19 crisis had on international travel. The average response was a 20.6% decrease. 17 of 45 respondents (38%) indicated that they had no international students at their school; a majority of these 17 overlap with the respondents who stated that their law school did not have any non-J.D. students.

Fourth, the survey asked “How did your University’s overall enrollment change, by percentage, between Fall 2019 and Fall 2020?” The average response was a 4.1% enrollment decrease. This overall average decrease in enrollment is notable in comparison with the 6.2% average increase in J.D. enrollment. Three respondents indicated an increase of University enrollment of 10% or more. Seven reported a decrease of 10% or more. Seven respondents indicated that their law school is independent of a University.

This portion of the survey closed with an optional extended response prompt that asked “how has the COVID-19 crisis impacted enrollment at your law school?” A selected portion of the responses include the following:

First year Law school enrollment was slightly higher than last year. Undergraduate first year enrollment was higher than last year.

We were up a bit for the 1L entering class. We lost [a significant number of] students to transfer, double the prior year. Some number of those transfers were people moving closer to home due to COVID.

Despite COVID, we had the largest 1L class in the history of our law school. We have yet to see potential impacts of COVID on attrition, in particular non-academic attrition.

Enrollment has not been impacted. Entering class actually larger than anticipated.

While enrollment decreased . . . and recruitment has been more difficult, the overall effect has been minimal. Applications for next year are significantly up so far.

Impact of COVID-19 on Budget and Finance

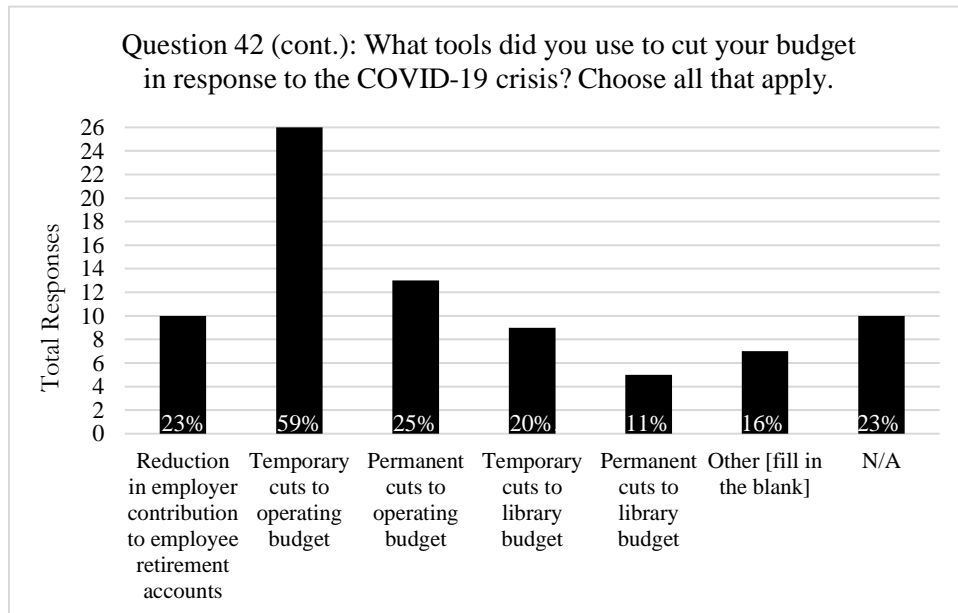
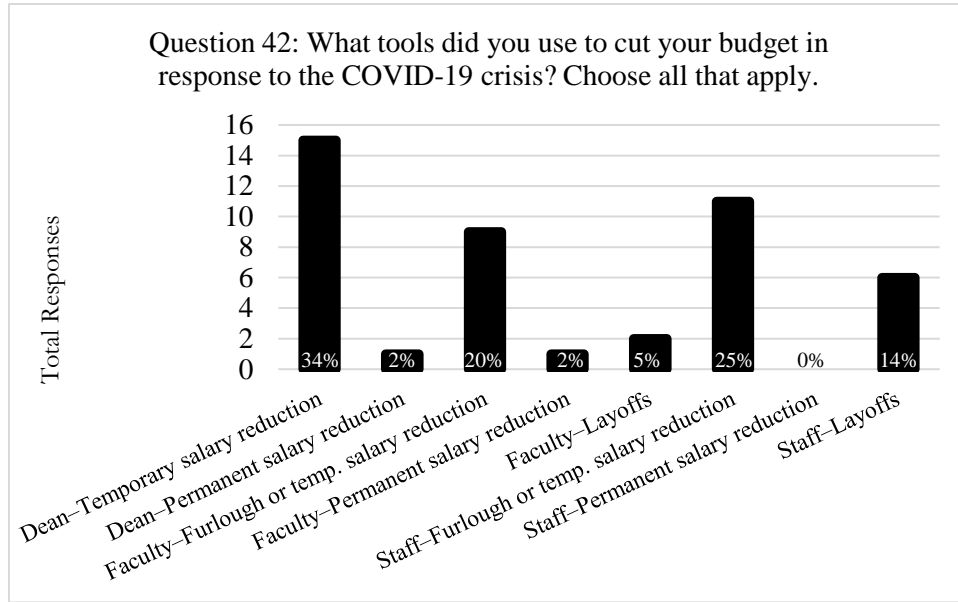
The survey asked a series of questions about the impact of the COVID-19 crisis on law school and university finances. The first question asked “by what percentage did you need to cut your budget in the fiscal year that included the Spring 2020 semester?” The average was 3.9%. The vast majority of respondents (68%) answered 0% or N/A. 32% of respondents reported some budget cut. A small number of deans, however, reported significant Spring 2020 budget cuts. Four respondents (9%) reported budget cuts of 10% or more.

There was some difference in responses to this question between deans at public and private schools. The responses indicating no Spring 2020 budget cut were evenly split between public and private law schools. The split in schools reporting Spring 2020 budget cuts also was relatively even. Private schools, however, reported an average cut of nearly 13%, while public schools reported an average cut of 5%.

The second question asked “By what percentage did you need to cut your budget in the fiscal year that included the Fall 2020 semester?” The average

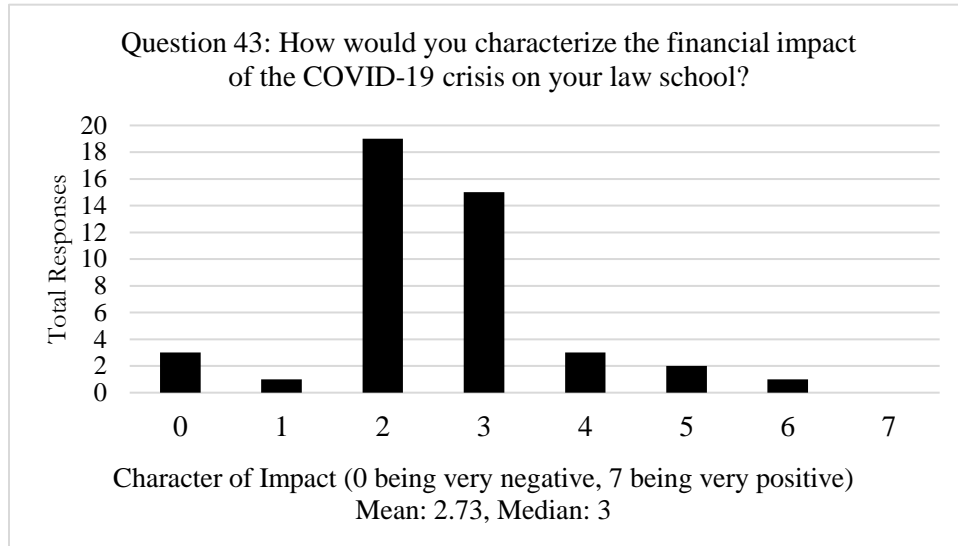
response was 7.5%. 64% of respondents reported budget cuts for Fall 2020—double the 32% who reported cuts for Spring 2020. Again, private schools reported slightly higher cuts than their public counterparts—6.5% to 8.6%, respectively.

The third question asked respondents to choose all that apply from a list of tools used to cut their budget in response to the COVID-19 crisis:



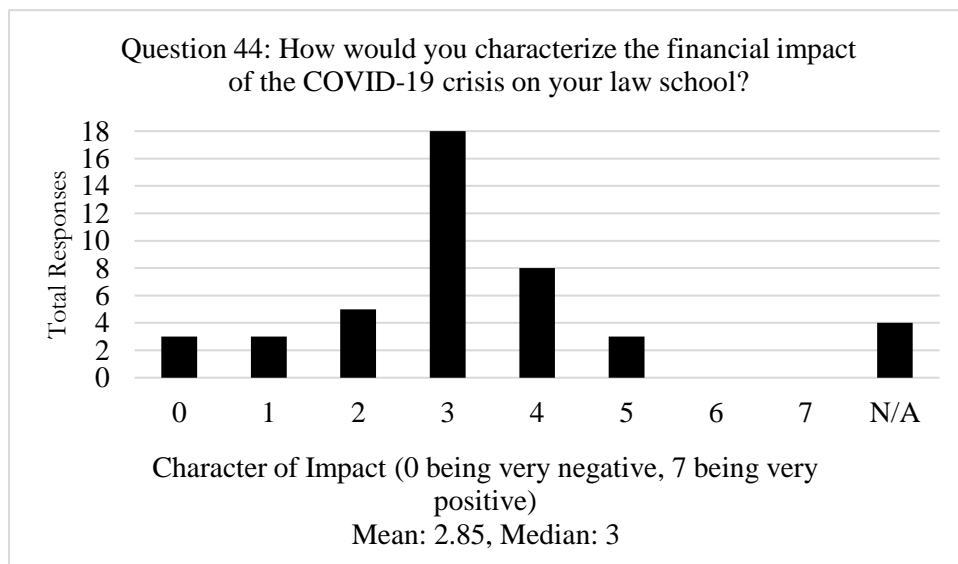
The four respondents who answered “Other” for this third question gave the following responses: “delay in contractual increase to faculty and staff [salaries],” “cuts to part-time faculty and travel,” “did not fill positions, no raises,” “reserves,” “return professional fund fees,” “permanent/partial cuts to base-funded staff and faculty salaries,” and “pay freeze for faculty and staff.”

The fourth question asked respondents to “characterize the financial impact of the COVID-19 crisis on your law school?”:



Despite the distinction between public and private schools described in the previous questions, respondents from both public and private schools reported nearly the same level of financial impact in response to this question.

The fifth question asked “how has the COVID-19 crisis impacted philanthropy at your law school?”



The sixth question asked respondents at public law schools “by what percentage did your state support change between Fall 2019 and Fall 2020?” The average response was a 5% decrease, but the range of reported widely. Many public law schools reported no change in state support, while one law school reported a 20% decrease in public support.

This portion of the survey closed with an optional extended response prompt that asked “how has the COVID-19 crisis impacted the finances at your law school?” A selected portion of the responses include the following:

The financial crisis will be more severe after this year due to the drop in freshman and international enrollment at the university and the dip in what will be our 1L class in about 4 years.

Finances are mixed. Expenses (travel, food) have greatly declined, making up for any revenue losses.

It has actually improved our financial picture in the short-term. Our enrollment has increased while our operational expenses on events, travel, etc. have decreased.

We have avoided staff furloughs so far but maybe not forever. The university did far more cutting but our staff are safer.

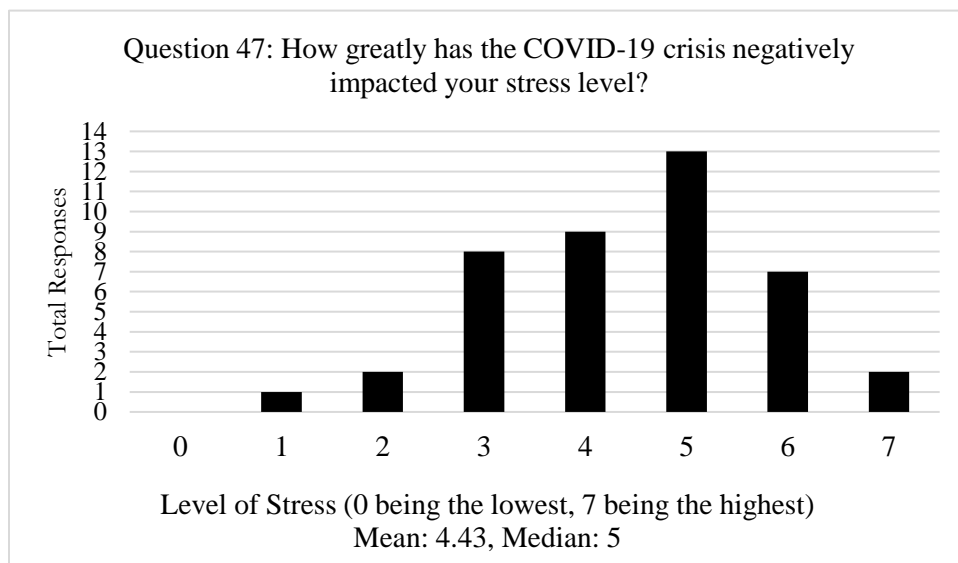
The decrease in enrollment required tight oversight of expenditures. Some expenses have been deferred.

Savings from things like travel budget and printing costs were significant and alumni stepped up to give additional funding for some conditional scholarship renewals, so impact on law school budget was actually not too bad. The university, however, experienced bigger fiscal pain and imposed salary cuts on a graduated scale and suspended retirement contributions.

Fundraising is down but we hope to make up ground in last 6 months of fiscal year.

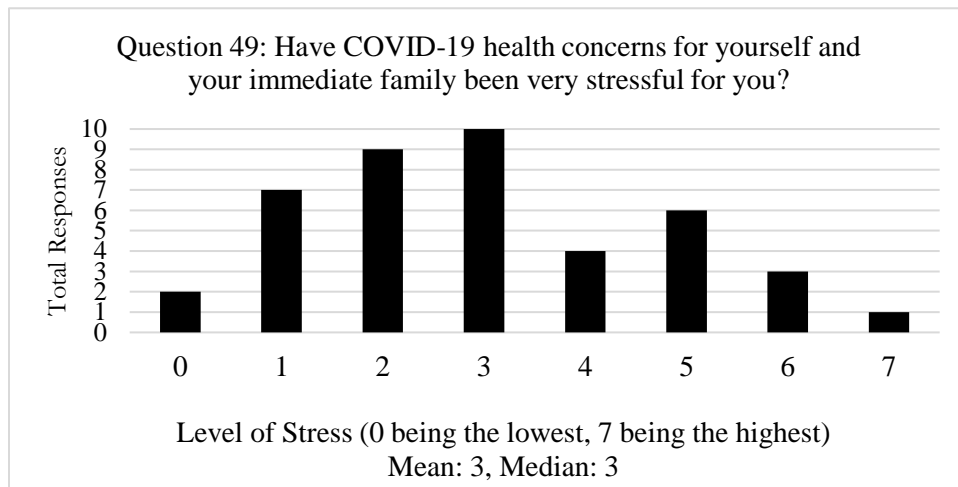
Impact of the COVID-19 Crisis on Law School Deans

The final set of survey questions asked the respondents about the impact of the COVID-19 crisis on them personally. The first question asked “How greatly has the COVID-19 crisis negatively impacted your stress level?”:



An optional extended response prompt asked “what was the most stressful time period for you?” 12 of the 15 respondents who completed this question noted that either March or April of 2020, early in the pandemic and about the time that many schools transitioned to remote learning, were most stressful for them. The remainder of respondents described the month before and after the Fall 2020 semester began as being very stressful because of the need to actively plan for a completely remote semester.

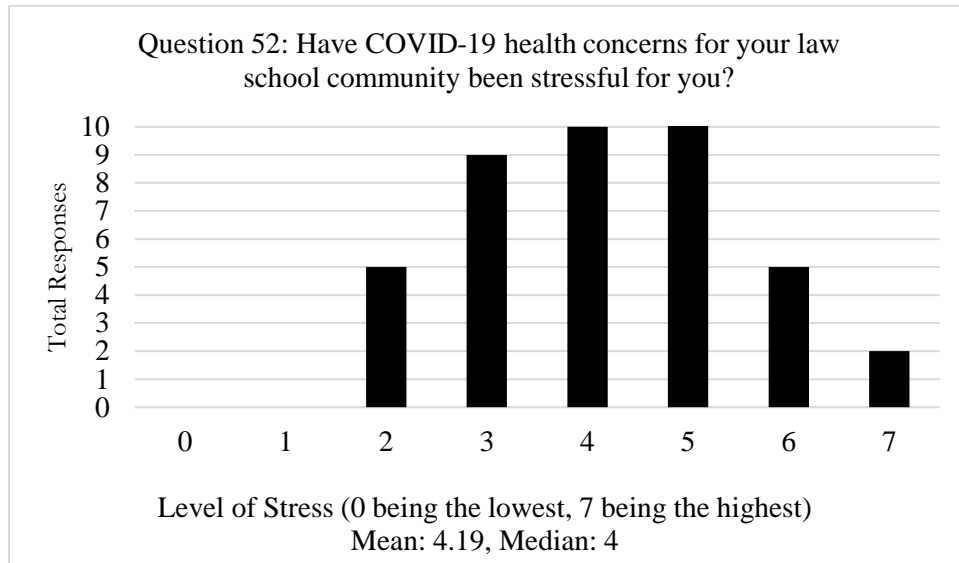
The second question asked “Have COVID-19 health concerns for yourself and your immediate family been very stressful for you?”:



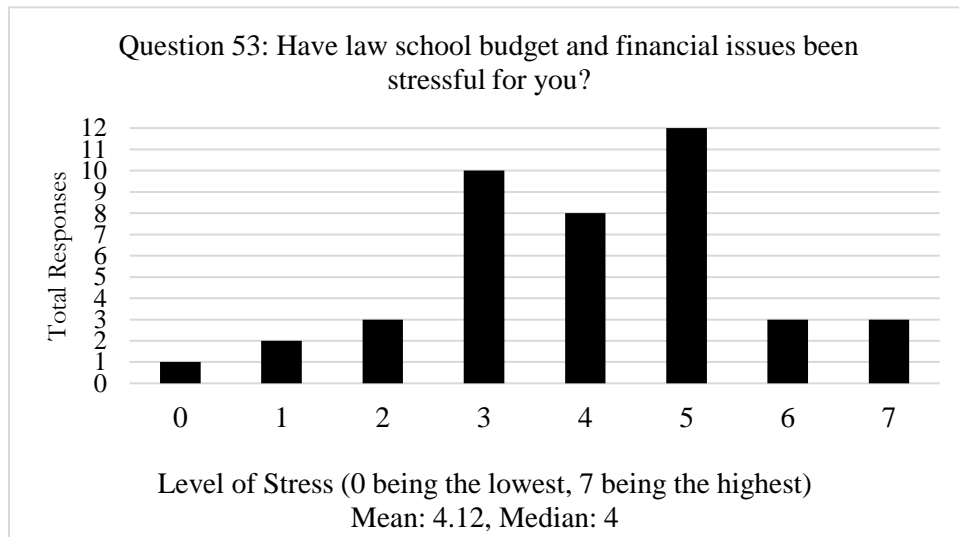
The third question asked respondents whether they had personally tested positive for COVID-19. Five of 42 respondents (11%) answered “yes.”

The fourth question asked respondents whether any members of their immediate family had tested positive for COVID-19. Again, five of 42 respondents (11%) answered “yes.” Interestingly, only two of these five respondents answered “yes” to the previous question of whether they personally had tested positive for COVID-19.

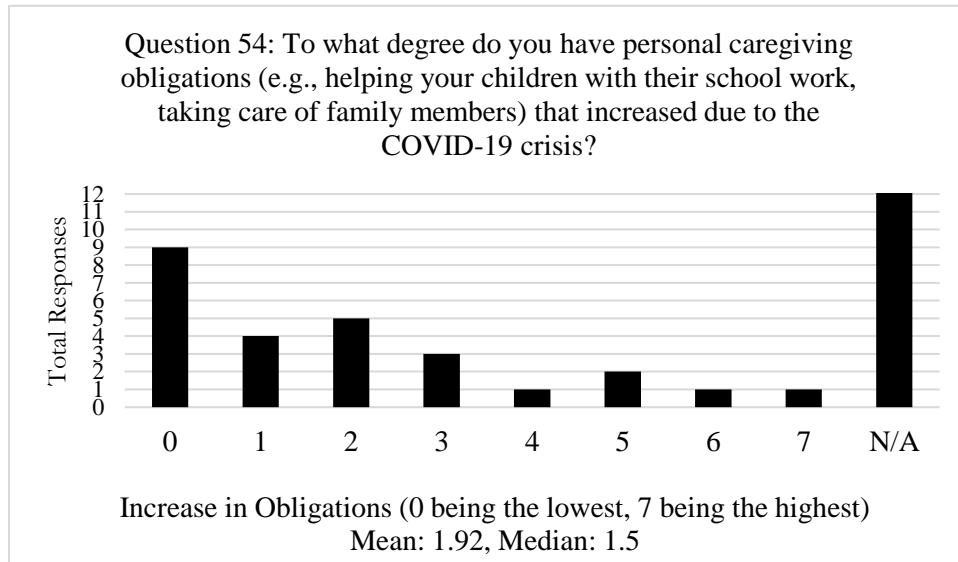
The fifth question asked “Have COVID-19 health concerns for your law school community been stressful for you?”:



The sixth question asked “Have law school budget and financial issues been stressful for you?”:



The seventh question asked “To what degree do you have personal caregiving obligations (e.g., helping your children with their schoolwork, taking care of family members) that increased due to the COVID-19 crisis?”:



This portion of the survey closed with an optional extended response prompt that asked “how has the COVID-19 crisis impacted you personally?” A selected portion of the responses include the following:

I suspected I had COVID early on; it took many months to test positive for antibodies; the stress has been long-haul symptoms -- and getting people to believe me. Mentally I'm much better off than physically.

Planning for the fall semester with such tremendous uncertainty, while supervising my children's remote education and entertaining them throughout a summer without camp or vacations was overwhelming to say the least. To bear the responsibility for the health and wellness of my students, faculty, and staff, as well as my own family has been a tremendous burden. For the most part, my constituents have been extremely gracious, flexible, and forgiving. Nonetheless, it was not uncommon for me to bear the brunt of others' frustration with a worldwide pandemic. To be as stressed and challenged for such an extended period without pause while so focused on nothing but the well-being of others has not been easy. I am ready for a break.

[I had a stressful time caring for elderly parents]. So while my immediate family has been safe, it has been a stressful year. However, I also feel blessed beyond measure to have a job that is fulfilling and allows me to have a leadership role during this unprecedented time.

It is difficult to create time and space for self-care, while also at the same time remaining vigilant to ensure that the wellbeing of students, faculty and staff is protected.

I have not been able to travel to do fundraising. I have had to be isolated from friends and family.