

# THE NEED FOR SOCIAL SUPPORT FROM LAW SCHOOLS DURING THE ERA OF SOCIAL DISTANCING

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## ABSTRACT

Law students have been faced with unparalleled stress during the syndemic. They must cope with being students during the COVID-19 pandemic but also must deal with stress related to social and political unrest. This essay recommends that law schools apply social support theory in developing interventions to effectively address the needs of law students now and in the future.

Social support theory focuses on the value and benefits one receives from positive interpersonal relationships. These positive relationships impact both mental and physical health and promote beneficial short and long-term overall health. However, not all supports are the same, and social support theory can inform law schools on how to properly deploy support to students.

There are four categories of social support under this theory: emotional, instrumental, informational, and appraisal support. Emotional support includes offering comfort and empathy. Instrumental support entails providing someone with tangible forms of support, such as money or equipment. Informational support is educating or advising someone. Appraisal support is assisting in self-evaluation, such as by providing feedback. Law schools typically provide informational and appraisal support. However, with students living in a world where outside support may be limited due to social distancing, law schools must be prepared to enhance their offerings to students by providing all forms of support.

Law schools must also be aware that there is a difference between perceived support and received support. Perceived support is based on one's expectation of receiving support when needed, while received support is

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related to the actual delivery of support at the time it is needed. Perceived support is most positively associated with beneficial health outcomes. Health outcomes are more variable in relation to received support, in some cases even negative. This perceived support is especially important during a pandemic because it may improve student health outcomes, including potentially reducing mortality. To be effective in promoting wellbeing through the provision of social support, law schools cannot simply focus on the efficient delivery of essential instruction but rather must foster the expectation among its law students that it will provide all necessary forms of support.

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## I. INTRODUCTION

The COVID-19 syndemic drastically changed law students' lives and expectations for the future.<sup>1</sup> During 2020, students had to survive in a world in turmoil. Some students went weeks without interacting with others, and some students were afraid to leave their homes. There were students who had no idea where to find help for even the most basic of needs, such as food. Law graduates expressed confusion about their futures. They were unsure of their job prospects. Some were afraid to take the bar exam because they felt unsafe taking an in-person exam. Both international law students and graduates worried about whether they would be able to stay in the U.S. or

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<sup>1</sup> Referring to the COVID-19 pandemic as a syndemic acknowledges the synergistic nature of the disease and the need to consider the multiple biological and socioecological factors influencing negative health outcomes. See Uday Narayan Yadav et al., *A Syndemic Perspective on the Management of Non-Communicable Diseases Amid the COVID-19 Pandemic in Low- and Middle-Income Countries*, FRONTIERS PUB. HEALTH 6 (2020), <https://doi.org/10.3389/fpubh.2020.00508>.

return to their home countries. Law students and graduates were overcome with stress and isolation.

There also seemed to be a disconnect between the support that was available to students at law schools and their perception of that support. Law schools must acknowledge the world in which their students now live and the appropriate support they now need in order to navigate it. Law students did not expect the tumultuous events of 2020. Their realities shifted, and they now live in a world of unrest and uncertainty. Ignoring these facts does little to benefit these students. This essay will discuss how social support can be used by law schools to help their students during the COVID-19 syndemic.

## II. LAW STUDENTS

Law school is a time of significant stress, and mental health is a concern among law students.<sup>2</sup> Much of the research concerning law student mental health has focused on intrapersonal or individual-level factors.<sup>3</sup> However, there has been growing acknowledgement of the social dimension of law students regarding mental health and stress.<sup>4</sup> The Survey of Law Student Well-Being (SLSWB), a 2014 survey involving fifteen law schools across the United States, discovered that 17% of law student respondents screened positive for depression and 37% screened positive for anxiety.<sup>5</sup> The survey found that one-fifth to one-sixth of these respondents were diagnosed after beginning law school.<sup>6</sup> The SLSWB was also the first multischool study of help-seeking attitudes of law students concerning mental health and substance abuse.<sup>7</sup> The study found that “[e]ven though many respondents indicate that they would benefit from help for substance use issues or mental health concerns, significant majorities of those most in need of help are unlikely to seek help, for a variety of reasons.”<sup>8</sup> Similarly, a study of Yale

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<sup>2</sup> Kennon M. Sheldon & Lawrence S. Krieger, *Does Legal Education Have Undermining Effects on Law Students? Evaluating Changes in Motivation, Values, and Well-Being*, 22 BEHAV. SCI. L. 261 (2004).

<sup>3</sup> See Lawrence S. Krieger, *What We’re Not Telling Law Students - And Lawyers - That They Really Need to Know: Some Thoughts-in-Action Toward Revitalizing the Profession from Its Roots*, 13 J. L. HEALTH 1 (1998); Sheldon & Krieger, *supra* note 2.

<sup>4</sup> E.g., Adele Bergin & Kenneth Pakenham, *Law Student Stress: Relationships Between Academic Demands, Social Isolation, Career Pressure, Study/Life Imbalance and Adjustment Outcomes in Law Students*, 22 PSYCH., PSYCHOL. L. 388 (2015), <http://dx.doi.org/10.1080/13218719.2014.960026>.

<sup>5</sup> Jerome M. Organ, David B. Jaffe & Katherine M. Bender, *Suffering in Silence: The Survey of Law Student Well-Being and the Reluctance of Law Students to Seek Help for Substance Use and Mental Health Concerns*, 66 J. L. EDUC. 116, 136, 137 (2016).

<sup>6</sup> *Id.* at 145.

<sup>7</sup> *Id.* at 118.

<sup>8</sup> *Id.* at 145.

Law School students found that 70% of respondents reported experiencing mental health challenges while in law school.<sup>9</sup> These students feared both exclusion and stigma and were often reluctant to seek help.<sup>10</sup> However, students reflected positively upon receiving support from peers, but experiences were mixed concerning experiences with faculty and administrators.<sup>11</sup>

### III. ISOLATION

To reduce the spread of COVID-19, the Centers for Disease Control and Prevention (CDC) recommended social distancing, avoiding crowds, wearing a mask covering one's nose and mouth, and avoiding poorly ventilated indoor spaces.<sup>12</sup> These measures drastically changed the way students interacted with other human beings.<sup>13</sup> Social distancing required individuals to maintain a distance of at least six feet from those not in their immediate household.<sup>14</sup> The CDC has recognized that social distancing can lead to a sense of isolation and increased stress.<sup>15</sup> These restrictions meant that when students interacted in person they greeted each other through masks, and personal space became set at a minimum of six feet. The classroom and common areas, such as libraries, went from being places of camaraderie to being places of danger. If students used indoor spaces, law schools were required to implement rigorous cleaning and disinfection practices.<sup>16</sup> Those who participated in in-person learning and activities were

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<sup>9</sup> Jessie Agatstein et al., *Falling Through the Cracks: A Report on Mental Health at Yale Law School*, YALE L. SCH. MENTAL HEALTH ALL. 3, 3 (2014), [https://law.yale.edu/sites/default/files/area/department/studentaffairs/document/falling\\_through\\_the\\_cracks.pdf](https://law.yale.edu/sites/default/files/area/department/studentaffairs/document/falling_through_the_cracks.pdf).

<sup>10</sup> *Id.*

<sup>11</sup> *Id.* at 3–4.

<sup>12</sup> *How to Protect Yourself & Others*, CTRS. DISEASE CONTROL PREVENION, <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/prevention.html> (last visited Jan. 12, 2021).

<sup>13</sup> Giovanni Sotgiu & Claudia C. Dobler, *Social Stigma in the Time of Coronavirus Disease 2019*, EUR. RESPIRATORY J. (June 25, 2020), <https://doi.org/10.1183/13993003.02461-2020>.

<sup>14</sup> *Social Distancing*, CTRS. DISEASE CONTROL PREVENION, <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/social-distancing.html> (last visited Dec. 1, 2020).

<sup>15</sup> *Mental Health and Coping During COVID-19*, CTRS. DISEASE CONTROL PREVENION, <https://www.cdc.gov/coronavirus/2019-ncov/daily-life-coping/managing-stress-anxiety.html> (last visited Dec. 20, 2020).

<sup>16</sup> *See Cleaning and Disinfecting Your Facility*, CTRS. DISEASE CONTROL PREVENION, <https://www.cdc.gov/coronavirus/2019-ncov/community/reopen-guidance.html> (last visited Jan. 12, 2021).

at the highest risk for contracting COVID-19.<sup>17</sup> Essentially, the best way for a law student to avoid COVID-19 was to avoid being connected to other students in-person. In response, many law schools shifted towards remote learning during the pandemic.<sup>18</sup>

The result of these recommendations was that law students had to cope with a pandemic that kept them locked in their homes, isolated and alone. Students celebrated their achievements on screens, and some families mourned their losses in silence. Many endured months without seeing another human smile in-person. Smiles became the purview of screens and were only exchanged up close and in-person with members of students' immediate households. Their in-person interactions were limited to masked faces, and their ability to read emotions was limited.<sup>19</sup> For some, class was the only opportunity they had to interact with other human beings, even if only through a screen. Without social interactions, students were at risk of withdrawing even further into isolation.<sup>20</sup> This isolation could lead to students perceiving threats as greater than they normally would perceive them. This perception then could lead to greater stress due to isolation.<sup>21</sup> A feeling of fear and despair exacerbated by misinformation, contradictory information, insufficient knowledge, and the plethora of self-proclaimed experts on social media and a rapidly increasing number of deaths suffice to set people apart.<sup>22</sup> Law students, accustomed to the crowd of on-campus libraries, classrooms, and pantries, were left with an unfulfilled need for companionship. As the pandemic persists, law students are likely to continue to face similar challenges.

#### IV. THE NEED FOR SOCIAL SUPPORT

Social support refers to the value and benefits one receives from a positive interpersonal relationship. Having social support positively impacts

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<sup>17</sup> *Guidance for Institutions of Higher Education (IHEs)*, CTRS. DISEASE CONTROL PREVENION, <https://www.cdc.gov/coronavirus/2019-ncov/community/colleges-universities/considerations.html> (last visited Dec. 20, 2020).

<sup>18</sup> Gabriel Kuris, *The Impact of the Coronavirus on Legal Education*, U.S. NEWS & WORLD REP. (last visited Dec. 15, 2020), <https://www.usnews.com/education/blogs/law-admissions-lowdown/articles/the-impact-of-the-coronavirus-on-legal-education>.

<sup>19</sup> See Claus Christian Carbon, *Wearing Face Masks Strongly Confuses Counterparts in Reading Emotions*, 11 FRONTIERS PSYCH. 1 (2020).

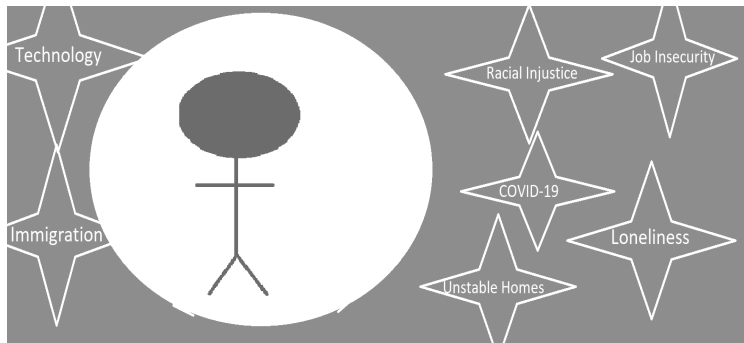
<sup>20</sup> Erica Szkody et al., *Stress-Buffering Role of Social Support During COVID-19*, FAM. PROCESS (Nov. 21, 2020), doi.org/10.1111/famp.12618.

<sup>21</sup> *Id.*

<sup>22</sup> Sotgiu & Dobler, *supra* note 13.

both mental and physical health.<sup>23</sup> During times of crisis, social support acts as a stress-buffer, thereby reducing the impacts of stress both mentally and physically (*See* Figure 1).<sup>24</sup> It is correlated with lower mortality rates, including mortality related to infectious diseases.<sup>25</sup> In previous pandemics, including H1N1 influenza and SARS, social support was attributed to lower occurrences of mental health problems.<sup>26</sup> Therefore, a student's psychological ability to cope with hardships depends on the kind of social support available to them.<sup>27</sup> Several considerations must be made when providing social support to law students, and social support theory can serve as a basis for addressing these considerations.<sup>28</sup>

Social integration refers to the structure of social relationships, including the number and strength of connections between individuals within a social network. Social support refers to how supportive individuals function in these relationships.<sup>29</sup> A supportive person helps to increase another person's self-efficacy and mitigate their negative responses to stressful events.<sup>30</sup>



[Figure 1. Illustration of Stress-Buffering Function of Social Support]

<sup>23</sup> Scott E. Wilks, *Resilience amid Academic Stress: The Moderating Impact of Social Support Among Social Work Students*, 9 *ADVANCES SOC. WORK* 106, 109 (2008).

<sup>24</sup> Szkody, *supra* note 21 at 2.

<sup>25</sup> Bert N. Uchino, *Understanding the Links Between Social Support and Physical Health: A Life-Span Perspective With Emphasis on the Separability of Perceived and Received Support*, 4 *PERSP. ON PSYCH. SCI.* 236, 238 (2009).

<sup>26</sup> Szkody, *supra* note 20, at 2.

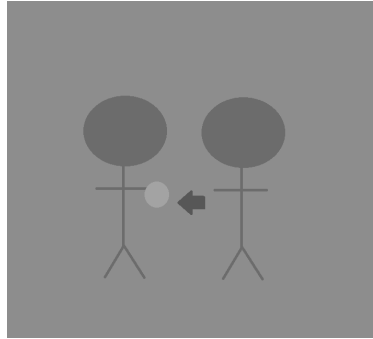
<sup>27</sup> Md Aris Safree Md Yasin & Mariam Adawiah Dzulkifli, *The Relationship Between Social Support and Psychological Problems Among Students*, 1 *INT'L J. BUS. & SOC. SCI.* 110, 111 (2010).

<sup>28</sup> Andrea L. Dwyer & Anne L. Cummings, *Stress, Self-Efficacy, Social Support, and Coping Strategies in University Students*, 35 *CAN. J. COUNSELLING & PSYCHOTHERAPY* 208 (2001); Anne G. Danielsen et al., *School-Related Social Support and Students' Perceived Life Satisfaction*, 102 *J. EDUC. RES.* 303 (2009); Donna L. Coffman & Tammy D. Gilligam, *Social Support, Stress, and Self-Efficacy: Effect on Students' Satisfaction*, *J. COLL. STUDENT RETENTION: RSCH., THEORY & PRAC.* 53 (2002).

<sup>29</sup> Paula Wilcox et al., *'It Was Nothing to do with the University, It Was Just the People': The Role of Social Support in the First-Year Experience of Higher Education*, 30 *STUD. HIGHER EDUC.* 707, 708 (2006).

<sup>30</sup> *Id.* at 709.

It is also important to distinguish between perceived support and received support.<sup>31</sup> Perceived support is based on one's expectation of receiving support when needed, while received support is related to the actual delivery of support at the time it is needed.<sup>32</sup> Perceived support is most positively associated with beneficial health outcomes.<sup>33</sup> Health outcomes are more variable in relation to received support, in some cases even negative.<sup>34</sup>



[Figure 2. Illustration of Received Social Support]

Because perceived support is a greater indicator of positive health outcomes, law schools must learn to promote perceived support throughout the student body.<sup>35</sup> To be effective in promoting wellbeing through the provision of social support, law schools cannot simply focus on the efficient delivery of essential instruction but rather foster the expectation among its law students that it will provide necessary forms of support. This perceived support is especially important during a pandemic because it may improve student health outcomes, including potentially reducing mortality.<sup>36</sup>

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<sup>31</sup> Uchino, *supra* note 25, at 236–37.

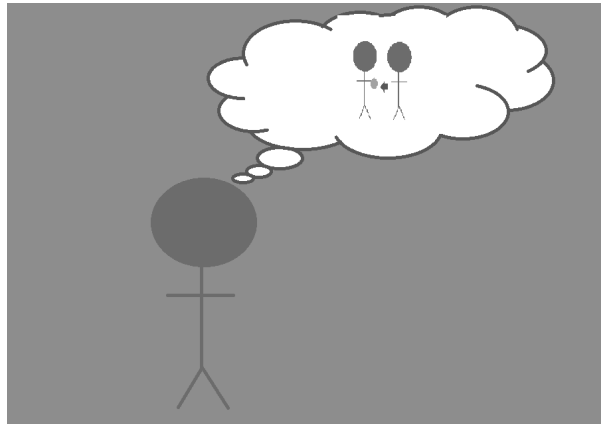
<sup>32</sup> *Id.* at 238.

<sup>33</sup> *Id.* at 237.

<sup>34</sup> *Id.* at 239.

<sup>35</sup> See Brian Lakey & Kenneth Heller, *Social Support from a Friend, Perceived Support, and Social Problem Solving*, 16 AM. J. CMTY. PSYCH. 811 (1988).

<sup>36</sup> Uchino, *supra* note 25.



[Figure 3. Illustration of Perceived Social Support]

Law schools will have to shift to being fully supportive institutions, not just educational institutions. Before the crisis, law schools were able to mediate social support through in-person instruction and peer interactions. However, these resources are now limited. The move to being supportive institutions must now be an active choice. It will not happen passively; this change will have to be an institutional commitment. Not only should educational leaders be morally responsible for their decisions regarding learning, but they must also provide support to their students.<sup>37</sup>

There are four categories of social support: emotional, instrumental, informational, and appraisal support.<sup>38</sup> Emotional support includes providing comfort and empathy.<sup>39</sup> Instrumental support includes providing someone with tangible forms of support, such as money or equipment.<sup>40</sup> Informational support is educating or advising someone.<sup>41</sup> Appraisal support is assisting in self-evaluation, such as by providing feedback.<sup>42</sup> Law schools must consider the types of social support available to students when considering what they are willing to offer. Law schools can establish with faculty and staff the importance of providing emotional, informational, instrumental, and appraisal support. As educational institutions, law schools regularly provide informational support. With proper planning, law schools can provide all four types of support, and they can educate faculty on the importance of addressing each type of support. Law schools can use these four types of supports to guide communications with students and teach faculty and staff how to evaluate

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<sup>37</sup> Thomas E. Keefe, *Crises in American Education: WWII, Baby Booms, and COVID-19*, RESEARCHGATE 1, 7 (2020).

<sup>38</sup> Christine Kerres Malecki & Michelle Kilpatrick Demaray, *What Type of Support Do They Need? Investigating Student Adjustment as Related to Emotional, Information, Appraisal, and Instrumental Support*, 18 SCH. PSYCH. Q. 231, 233 (2003).

<sup>39</sup> *Id.* at 232.

<sup>40</sup> *Id.* at 232–233.

<sup>41</sup> *Id.* at 233.

<sup>42</sup> *Id.*



whether each one of these areas of social support is being met. To reinforce perception, law schools can also have regular reminders in all email communications and on their websites. It is not enough for law schools to simply provide social support. Law schools need to consider providing different types of support to meet the needs of their students, including emotional, informational, instrumental, and appraisal support.<sup>43</sup> With the shift to remote learning, law schools must be creative to provide social support in an online environment, which has been experimented within different fields.<sup>44</sup>

## V. THE NEED FOR SOCIAL SUPPORT DURING THE PANDEMIC: STRESS-BUFFERING

### A. Racial Injustice

Early in the pandemic, New York Gov. Andrew M. Cuomo referred to COVID-19 as “the great equalizer.”<sup>45</sup> However, this was far from the truth. It is more appropriate to refer to the virus as “great exposor.” Living in a world exposed to the ravages of a spreading virus reveals something deeper. COVID-19 has done nothing to equalize the world, but it has exposed the inequality hiding beneath the surface. The losses associated with this pandemic are greater for low-income communities and communities of color.<sup>46</sup>

As seen with the 1918 “Spanish” influenza, racial and ethnic disparities also exist with this disease.<sup>47</sup> In a country where the legal environment is, explicitly and implicitly, structured on a race-based system, law schools cannot pretend that their students are similarly impacted by this pandemic.<sup>48</sup> Law students have never been similarly situated due to the history of racial discrimination and inequality in the United States.<sup>49</sup> By failing to recognize this fact in law schools, law students are left feeling isolated.<sup>50</sup>

<sup>43</sup> Amar Kanekar & Manoj Sharma, *COVID-19 and Mental Well-Being: Guidance on the Application of Behavioral and Positive Well-Being Strategies*, 8 *HEALTHCARE* 1, 3–4 (2020).

<sup>44</sup> See Jennifer L. Doty & Jodi Dworkin, *Online Social Support for Parents: A Critical Review*, 50 *MARRIAGE & FAM. REV.* 174 (2014); Sheryl Perreault LaCourseiere, *A Theory of Online Social Support*, 24 *ADVANCES NURSING SCI.*, 60 (2001).

<sup>45</sup> Bethany L. Jones & Jonathan S. Jones, *Gov. Cuomo is Wrong, COVID-19 Is Anything but an Equalizer*, *WASH. POST* (Apr. 5, 2020, 6:00 AM), <https://www.washingtonpost.com/outlook/2020/04/05/gov-cuomo-is-wrong-covid-19-is-anything-an-equalizer/>.

<sup>46</sup> *COVID-19 Racial and Ethnic Health Disparities* (last updated Dec. 20, 2020), *CTRS. DISEASE CONTROL PREVENION*, <https://www.cdc.gov/coronavirus/2019-ncov/community/health-equity/racial-ethnic-disparities/index.html>.

<sup>47</sup> Stephen A. Mein, *COVID-19 and Health Disparities: The Reality of “the Great Equalizer,”* 35 *J. GEN. INTERNAL MED.* 2439, 2439 (2020).

<sup>48</sup> See Erin C. Lain, *Racialized Interactions in the Law School Classroom: Pedagogical Approaches to Creating a Safe Learning Environment*, 67 *J. LEGAL EDUC.* 780 (2018).

<sup>49</sup> *Id.* at 781–82.

<sup>50</sup> *Id.* at 783.

The “Black Lives Matter” protests in response to George Floyd’s murder have brought global recognition to racism in America.<sup>51</sup> All over the country law students are, in the words of the late Congressman John Lewis, “get[ting] in good trouble [and] necessary trouble.”<sup>52</sup> These students call upon their schools to respond and enact well overdue institutional change. Whether or not students are directly involved in these protests, they are being impacted by them, and law school environments should reflect that.<sup>53</sup>

In this country, for decades now, racism provides conditions for social inequities and poor health.<sup>54</sup> The pandemic coupled with preexisting racial disparities gives way to the amplification of these inequities among people of color and low-income communities.<sup>55</sup> Studies show that seniors, Black people, indigenous people, and people of color are the most vulnerable to COVID-19.<sup>56</sup> Just as workers could not afford healthcare but through employment benefits, law students, as well as international students, with little financial resources, struggle with health benefits when classes resume due to the rate of unemployment around the nation.<sup>57</sup>

### B. Interpersonal Violence

With continued lockdown measures and closures, law schools cannot assume that their students returned to safe and supportive homes. Domestic violence increased in the United States and other COVID-19-affected countries, such as China, Brazil, Germany, and Italy, during the COVID-19 syndemic.<sup>58</sup> During this time of crisis, law schools should expect an increase in interpersonal violence.<sup>59</sup> There is no reason to think that law students would be immune to this trend. For many students, going to school may represent an opportunity to escape a violent environment. However, this sanctuary would no longer be available in a remote

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<sup>51</sup> Mary Blankenship & Richard V. Reeves, *From the George Floyd Moment to a Black Lives Matter Movement*, in *Tweets*, BROOKINGS (July 10, 2020), <https://www.brookings.edu/blog/up-front/2020/07/10/from-the-george-floyd-moment-to-a-black-lives-matter-movement-in-tweets/>.

<sup>52</sup> John Lewis, Remarks atop the Edmund Pettus Bridge in Selma, Alabama, on March 1, 2020, <https://apnews.com/article/race-and-ethnicity-racial-injustice-261197d99942b0efce14ac7f7dddfa2aws.com>.

<sup>53</sup> Lain, *supra* note 48.

<sup>54</sup> Whitney N. Laster Pirtle, *Racial Capitalism: A Fundamental Cause of Novel Coronavirus (COVID-19) Pandemic Inequities in the United States*, 47 HEALTH EDUC. & BEHAV. 504, 505 (2020); see also J.J. Sylvia IV, *The Biopolitics of Social Distancing*, 6 SOC. MEDIA & SOC’Y 1, 3 (2020).

<sup>55</sup> Pirtle, *supra* note 54, at 505; see also Sylvia, *supra* note 54, at 3.

<sup>56</sup> Sylvia, *supra* note 54, at 3.

<sup>57</sup> *Id.*; Kuris, *supra* note 18.

<sup>58</sup> See Rakhi Ghoshal, *Twin Public Health Emergencies: COVID-19 and Domestic Violence*, 5 INDIAN J.MED. ETHICS 195, 196 (2020).

<sup>59</sup> Amber Peterman et al., *Pandemics and Violence Against Women and Children*, CTR. GLOB. DEV. (Apr. 2020), <https://www.un.org/sexualviolenceinconflict/wp-content/uploads/2020/05/press/pandemics-and-violence-against-women-and-children/pandemics-and-vawg-april2.pdf>.

learning environment.<sup>60</sup> While domestic violence increased due to the lockdown, support to the families and victims decreased.<sup>61</sup> This meant that schools, including law schools, sent students back into potentially violent households without any means of support, which could have the potential to lead to more lives lost to COVID-19.<sup>62</sup>

### C. *Uncertain Futures*

Law schools must provide support to prepare their students for the world awaiting them following graduation. During the COVID-19 syndemic, students left law school only to face an economy in recession. Law schools have a duty to support their domestic students, as well as their international law students who also face a period of great uncertainty. As almost all states in the United States require law graduates to take the bar exam to be admitted to practice, graduates face uncertainty regarding the administration of the bar examination. They also face uncertainty in relation to getting a job in the near future. But these uncertainties are not the concern of J.D. students alone; LLM students carry them too, and even more.

Pursuing studies in the United States is a source of great anxiety for international students. For many international students, pursuing a law degree in the United States links tightly to the opportunity to take a U.S. bar exam and be admitted to practice in one or more States in the U.S. territory. But while the pandemic threatened this opportunity from March 2020, the back-and-forth maneuvering of the U.S. Immigration and Customs Enforcement continued to increase insecurity among international students.

Amid the pandemic, the bar examination carries an air of uncertainty and anxiety. From March 2020, with social distancing and the prohibition of large gatherings, many states opted either for the cancellation of the July 2020 bar exam or shifted online with different modalities.<sup>63</sup> While the pandemic continued to affect graduates dramatically, state law examiners' decisions had a more significant impact on international students. At first, they were confronted with the uncertainty of the administration of the bar exam, and then they were confronted with the difficult reality that they were denied the opportunity to take the bar exam.<sup>64</sup>

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<sup>60</sup> Yasmin B. Kofman & Dana Rose Garfin, *Home Is Not Always a Haven: The Domestic Violence Crisis Amid the COVID-19 Pandemic*, 12 PSYCH. TRAUMA: THEORY, RSCH., PRACT. & POL'Y S199 (2020), <http://dx.doi.org/10.1037/tra0000866>.

<sup>61</sup> *Id.*; Ghoshal, *supra* note 58.

<sup>62</sup> Kim Usher et al., *Family Violence and COVID- 19: Increased Vulnerability and Reduced Options for Support*, 29 INT'L J. MENTAL HEALTH NURSING 549, 549 (2020).

<sup>63</sup> See Stephanie Francis Ward, *What Alternatives to the July Bar Exam Are Being Considered in Light of COVID-19?*, ABA J. (Mar. 23, 2020, 3:50 PM), <https://www.abajournal.com/news/article/in-light-of-the-coronavirus-crisis-working-paper-suggests-alternatives-to-the-july-bar-exam>.

<sup>64</sup> In the State of New York, for instance, which Bar is highly attended by international students, the examination was rescheduled several times, and sometimes excluded registered international students from taking the exam. See N.Y.STATE BD. L. EXAM'RS (last visited June 21, 2021), <https://www.nybarexam.org/Default.html>.

However, a few states decided to hold in-person exams with limited capacity, some excluding international law school graduates. For states administering exams online, there were concerns regarding technological failures and leaks.<sup>65</sup> However, states holding in-person exams included the additional stress related to whether it was safe for graduates to sit for these examinations.

#### D. Immigration Status

In general, when traveling away from the security of their homes and families, the stress of the pandemic on international students has significant implications for law schools and the U.S. economy. International students face a higher level of stress due to academic requirements and pressure, culture shock, and psychological difficulties.<sup>66</sup> In late August, a report from the U.S. Student and Exchange Visitors Program (SEVP) highlighted that there were 1.52 million active records of international students for the calendar year 2019.<sup>67</sup>

In 2019, international students accounted for 3.3% of the law school population.<sup>68</sup> This proportion increased to 7% of law students for top-tier law schools.<sup>69</sup> Due to uncertainty and stress stemming from the pandemic, there has been a 17.8% decrease in U.S. international students overall during the 2020-2021 school year as compared to the previous school year.<sup>70</sup> This decrease in international student enrollment has resulted in a \$1.8 billion loss to the U.S. economy.<sup>71</sup>

When the Fall semester began with Universities moving their classes entirely online, international students went through a more difficult time. In fact, the U.S. Immigration and Customs Enforcement (ICE) announced in its COVID-special guidelines that “students attending schools operating entirely online may not take a full online course load and remain in the United States.”<sup>72</sup> The new rules subjected

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<sup>65</sup> See Bruce Vielmetti, *Wisconsin One of Just 5 States Sticking to In-Person July Bar Exam*, MILWAUKEE J. SENTINEL (July 20, 2020), <https://www.jsonline.com/story/news/local/wisconsin/2020/07/20/wisconsin-one-just-5-states-sticking-person-july-bar-exam/5408713002>.

<sup>66</sup> See Christopher Sullivan & Susan Kashubeck-West, *The Interplay of International Students' Acculturative Stress, Social Support, and Acculturation Modes*, 5 J. INT'L STUDENTS 1, 2 (2015).

<sup>67</sup> *Ice Releases Report on Nonimmigrant Students in US*, U.S. IMMIGR. & CUSTOMS ENF'T (Aug. 28, 2020), <https://www.ice.gov/news/releases/ice-releases-report-nonimmigrant-students-us>.

<sup>68</sup> Gabriel Kuris, *Law School Application Tips for Foreign Students*, U.S. News (Aug. 16, 2021), <https://www.usnews.com/education/blogs/law-admissions-lowdown/articles/4-tips-for-applying-to-law-school-as-an-international-student>.

<sup>69</sup> *Id.*

<sup>70</sup> *Student and Exchange Visitor Program (SEVP) 2020 SEVIS by the Numbers Report*, U.S. IMMIGR. & CUSTOMS ENF'T (March 19, 2021), <https://www.ice.gov/news/releases/ice-report-international-students-us-details-impact-covid>.

<sup>71</sup> *New NAFSA Data Show First Ever Drop in International Student Economic Value to the U.S.*, NAFSA: Association of International Educators (November 16, 2020), <https://www.nafsa.org/about/about-nafsa/new-nafsa-data-show-first-ever-drop-international-student-economic-value-us>.

<sup>72</sup> *SEVP Modifies Temporary Exemptions for Nonimmigrant Students Taking Online Courses During Fall 2020 Semester*, U.S. IMMIGR. & CUSTOMS ENF'T (July 6, 2020),

students either to enroll in an in-person program or depart the United States without any concern about the economic loss for the students and the universities.<sup>73</sup>

When countries around the world had closed their borders to limit the spread of the virus, many international students were locked in the U.S. territory, financially unprepared for the troubles to come.<sup>74</sup> For many, their embassy in the U.S. managed to arrange a return flight for those wishing to go back to the homeland.<sup>75</sup> However, for others, no flight arrangement was made, and they either had to spend a large amount of money to book a flight without any guarantee that the plane would be allowed to land at their destination.<sup>76</sup>

When providing social support, law schools must not be discriminative regarding their international students. A recent study has shown that international students in the U.S. perceived more socioemotional and instrumental support from other international students and relatives outside the U.S.<sup>77</sup> International students exhibit reluctance to seeking help outside the international student community.<sup>78</sup> This tendency provides an opportunity for law schools to reach out to these students and provide them with needed support. Socioemotional and instrumental support are the most needed by international students to face the challenges in the host country.<sup>79</sup>

### *E. Adapting to New Technology*

Law school students learn and improve their abilities constantly and continuously; this state of psychological unrest triggers stress. While the pandemic forced education to continue remotely, schools required students and faculty to master new software within a short period and frequently without appropriate training. While pursuing a degree, law students are assessed and trained on their ability to develop relationships and networks. The law school provides an environment that facilitates prompt feedback from the faculty. When the pandemic surged in March, universities around all states in the country closed campuses and were forced to move classes online.<sup>80</sup> The shift in teaching/learning modality from

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<https://www.ice.gov/news/releases/sevp-modifies-temporary-exemptions-nonimmigrant-students-taking-online-courses-during>.

<sup>73</sup> *Id.*; Yasin & Dzulkifli, *supra* note 27.

<sup>74</sup> Caitlin Dickerson, 'My World Is Shattering': Foreign Students Stranded by Coronavirus, N.Y. Times (Apr. 5, 2020), <https://www.nytimes.com/2020/04/25/us/coronavirus-international-foreign-students-universities.html>.

<sup>75</sup> Emily Pearce, *International student enrollment declines due to COVID-19*, The Argonaut (Feb. 16, 2021), <https://www.uiargonaut.com/2021/02/16/international-student-enrollment-declines-due-to-covid-19/>; Virginia Gewin, *The visa woes that shattered scientists' American dreams*, Nature (Sept. 28, 2020), <https://www.nature.com/articles/d41586-020-02746-y>.

<sup>76</sup> See Pearce, *supra* note 75; Gewin, *supra* note 75.

<sup>77</sup> Pablo Chavajay, *Perceived Social Support Among International Students at a U.S. University*, 112 PSYCH. REPS. 667, 673 (2013).

<sup>78</sup> *Id.*

<sup>79</sup> *Id.*

<sup>80</sup> Keefe, *supra* note 37, at 3.

in-person learning to remote learning has significant impacts on science education.<sup>81</sup> Although there is limited information available regarding the effects of the technological shift on legal education in the United States, it can be assumed that law students may face similar struggles. Although not specific to law students, studies have shown the negative influence that online learning has on students in general.<sup>82</sup> This additional stress may amplify the inherent stress that characterizes law school.<sup>83</sup>

## VI. SOCIAL SUPPORT IN LAW SCHOOLS

Law schools are places for learning but are also places where biases spread easily and quickly. Legal scholars engaged in law students' wellbeing have exposed how biases interfere with teaching effectiveness.<sup>84</sup> Biases influence teacher feedback which then impacts students' performance and self-evaluation.<sup>85</sup> Furthermore, students' perception of the teacher's expectations increase their level of stress, particularly for BIPOC students. The legal profession suffers high rates of depression, substance abuse, and suicide among its members; this suffering begins in law school.<sup>86</sup> Acknowledging this vicious circle reality will better help law schools in providing appraisal support to law students. Appraisal support in this circumstance should come in the form of objective and unbiased feedback.<sup>87</sup> These positive psychology techniques can have significant impacts on wellbeing in the legal profession.<sup>88</sup>

Social support should be crafted to meet the needs of students. Law schools should dedicate resources to identify student needs and expectations. In essence, checking in is vital to the well-being of students. Identifying students' needs can be done through several different ways, such as town hall meetings (via web conferencing) and polling. Since the students are living in a period of isolation, it may make sense for law schools to invest in staff to perform this task. Law schools can also utilize tools such as the Multidimensional Survey of Perceived Social Support (MSPSS) to assess the social support needs of their students. Staff members

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<sup>81</sup> See Daniel C. Barton, *Impacts of the COVID- 19 Pandemic on Field Instruction and Remote Reaching Alternatives: Results from a Survey of Instructors*, 10 *ECOLOGY & EVOLUTION* 12499, 12500 (2020).

<sup>82</sup> Kim Munich, *Social Support for Online Learning: Perspectives of Nursing Students*, 29 *INT'L J. E-LEARNING & DISTANCE EDUC.* 1, 1–12 (2014).

<sup>83</sup> Jordana Alter Confino, *Where Are We on the Path to Law Student Well-Being?: Report on the ABA CoLAP Law Students Assistance Committee Law School Wellness Survey*, 68 *J. L. EDUC.* 650, 650–712 (2019).

<sup>84</sup> Anne Gordon, *Better Than Our Biases: Using Psychological Research To Inform Our Approach To Effective, Inclusive Feedback*, 27 *CLINICAL L. REV.* 195, 221 (2021).

<sup>85</sup> *Id.* at 221–226.

<sup>86</sup> Daniel Seymour Bowling III, *Lawyers and Their Elusive Pursuit of Happiness: Does it Matter?*, 7 *DUKE F. FOR L. & SOC. CHANGE* 37–52, 40 (2015).

<sup>87</sup> Gordon, *supra* note 84, at 226–236.

<sup>88</sup> *Positive Psychology* techniques have been praised by Daniel S. Bowling III for their capacity to improve the well-being of lawyers. See Bowling, *supra* note 85, at 44, 52.

would then regularly contact students to follow-up on identified needs. In addition to staff, peer groups can be formed to provide support.

Providing social support will be even more challenging during this time. With the delivery of online legal education and social distancing protocols, students are more likely to feel disconnected. That is why the substance of communications is critical. Law schools should be proactive with student communications and make it a priority to minimize uncertainty and enhance transparency. By doing so, law schools will increase the perception that they are a stable source of support.

Information should also be centralized and accessible. The more a student must search for information, the more challenging it will be for the law school to increase the student's perception that the school is a reliable source of support. After all, how can students develop an expectation of social support if they cannot locate it and are sent mixed signals regarding it? An example of this may include a regularly updated website with resources and messages about the school's policies.

During the pandemic, many fitness centers were closed, and people exercised less. However, confinement makes it difficult to maintain a good quality of life.<sup>89</sup> Studies have shown a positive relationship between social support and physical health.<sup>90</sup> In this context, law schools should implement group home-based virtual or outdoor fitness programs to help their students navigate the increased stress and depression. These programs would provide the benefits of physical fitness while also promoting social interactions among students.

Researchers have investigated the implications of the pandemic on career development from a cultural standpoint.<sup>91</sup> Students also face emerging job insecurity, difficulties with establishing a home office, and a reduction in career opportunities.<sup>92</sup> Law schools must be more proactive in their approaches for implementing career guidance programs and connecting students with alumni. These measures will help students to gather relevant career insights.<sup>93</sup> These connections will also help students gain access to strategies that can help them better cope with career stressors.

Many students were not prepared to move online with their classes. The Zoom reality they discovered was rife with challenges. Schools must assist students with technological issues and not assume that they are familiar with the technology. Schools must provide students with needed devices and physical resources. They must also train them and prepare them for potential side-effects of online education, which means investing in IT departments and personnel.

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<sup>89</sup> Michael John Dwyer et al., *Physical Activity: Benefits and Challenges During the COVID-19 Pandemic*, 30 SCANDINAVIAN J. MED. & SCI. SPORTS 1291, 1291–94 (2020).

<sup>90</sup> See generally BERT N. UCHINO, *SOCIAL SUPPORT AND PHYSICAL HEALTH: UNDERSTANDING THE HEALTH CONSEQUENCES OF RELATIONSHIPS* (2004).

<sup>91</sup> Yanjun Guan et al., *Understanding the Impact of the COVID-19 Pandemic on Career Development: Insights from Cultural Psychology*, 119 J. VOCATIONAL BEHAV. 1, 1 (2020).

<sup>92</sup> *Id.* at 2.

<sup>93</sup> See Susan Kauffman, *New \$4.5 Million Gift Launches Academic Guides Program*, DUKE TODAY (Dec. 16, 2020), [https://today.duke.edu/2020/12/new-45-million-gift-launches-academic-guides-program?utm\\_source=newsletter&utm\\_medium=email&utm\\_content=Delivering%20academic%20advising%20where%20the%20students%20are&utm\\_campaign=dukedailyDec17-20](https://today.duke.edu/2020/12/new-45-million-gift-launches-academic-guides-program?utm_source=newsletter&utm_medium=email&utm_content=Delivering%20academic%20advising%20where%20the%20students%20are&utm_campaign=dukedailyDec17-20).

Although some schools arranged for financial aid, students had a long wait before they received federal financial aid to cover COVID19-related expenses.<sup>94</sup> Considering these facts, law schools should also realize that they have a responsibility to both their domestic and international students. Law schools must arrange to provide or extend financial assistance to their students—U.S. nationals as well as international students—to help them cope with their expenses and lessen their stress.

## VII. CONCLUSION

Due to the crisis, law students need the support of their law schools. For our educators, students, and practitioners to be prepared for the realities that they now face, all tiers of support must be given substantial consideration. Law schools can meet these needs by focusing on providing their students with perceived social support. This focus means focusing on how stress is impacting students but does not necessarily mean throwing more money at the problem. An effort as simple as streamlining communications can make a significant difference in how students perceive the availability of their institutions. To prioritize resources, the MSPSS can be used to assess which students are in need of additional social support. A focus on social support means identifying what supports are available to students and maximizing the effectiveness of those supports. For some students, this may require more effort on the part of the law school, but, this may not be the case for all students. If certain students are identified to have strong support systems, prioritization of more isolated students may be warranted.

Additionally, support does not need to come solely from faculty and staff. Once students' existing social supports are identified, law schools can leverage peer groups to fill in those gaps. These can be interest groups or those arising from group assignments. Similarly, peers can also be utilized for checking in with other students. The point of social support theory is not to replace existing social supports but to find ways of maximizing existing supports and providing supports that are missing. It also means shifting away from thinking solely about what an individual is actually receiving to emphasizing what an individual perceives to be available. During this time of social distancing, law students need to know that their law schools are there to support them. They need reassurance and connection, and law schools can fulfill this need by ensuring that students believe that they will have the support they need, when they need it.

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<sup>94</sup> Emma Kerr, *Getting Emergency Financial Aid During COVID-19*, U.S. NEWS & WORLD REP. (May 8, 2020, updated February 18, 2021), <https://www.usnews.com/education/best-colleges/paying-for-college/articles/coronavirus-emergency-financial-aid-what-students-should-know>.