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Everything I Know About Teaching Was Reinforced by Auditing Remote Kindergarten

Allie Robbins

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EVERYTHING I KNOW ABOUT TEACHING WAS REINFORCED BY AUDITING REMOTE KINDERGARTEN

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A. INTRODUCTION

As a tenure-track faculty member, I am always focused on the trifecta of tenure—scholarship, service, and teaching. The pressure to publish and present is constant and unending. Service requires countless hours in committee meetings and doing the work of faculty governance. Being a faculty member focused on academic and bar support requires spending a significant amount of time meeting one-on-one with students and providing written feedback. Due to the COVID-19 pandemic, several new stressors were also added to this already-overwhelming workload—a constantly changing and elongated bar prep period, the need to create new asynchronous class components and assessments for a fully remote academic year, and helping colleagues figure out the technology necessary for remote teaching and learning.

Another complication of COVID-19 is the lack of safe childcare options and the need to be present in all aspects of one’s life at the same time, all the

* I would like to sincerely thank Ms. Nikol Rofeim, my son’s kindergarten teacher, and Ms. Jeni Beyers, my son’s religious school teacher, for teaching me about good teaching and for taking such good care of my son and his classmates.

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time. I have a five-year-old and an eighteen-month-old. My wife and I are both working remotely, and my older son is attending kindergarten remotely. We're all home together all the time. There is no separation between work, school, and family life. A lot has been written about the gendered dynamics of the COVID-19 care crisis.¹ Less has been written about how that plays out in same-sex couples. The pressure to be the perfect mommy at home and the perfect employee at work is doubled for us. So is the gender pay gap.²

We—like many families—have spent countless hours discussing which one of us should leave the workforce to focus on our children. We are worried that we are going to leave them emotionally damaged for life by forcing them to spend twenty-four hours a day, seven days per week in our tiny bubble while their moms constantly type and talk into small screens. My wife asked for extended childcare leave, but that leave was denied. My job is theoretically more flexible, and I taught evening students in Fall 2020, so I often do more of the childcare during the typical workday.

What that phrase “the typical workday” means now is opaque. The boundaries of the workday (boundaries that I was never good at upholding in the first place) have been completely obliterated. My brain is literally split between trying to get work done and trying to actively give attention to my children during every waking hour (and I'm awake during most hours). My kids have crashed my classes and screech for things during my one-on-one student meetings.

They're little and they have no sense of—or appreciation for—what it means to be working or trying to have a work-related conversation with someone. There was the time I was trying to facilitate a meeting, and my son dropped a Lego. On his way back up after picking it up, he smacked his head on the table and started crying hysterically. I had to stop mid-sentence and say, “Sorry, I have to stop there. We have a head injury over here.” There was also the time I accidentally unmuted my microphone during a faculty meeting, and everyone heard cartoons coming from my Zoom account. Instead of simply muting me, the Dean called me out, and my colleagues tried

¹ See, e.g., Hannan Adely, *The Pandemic Is Driving Moms Out of the Workforce, COVID-19 Child Care Crisis Persists*, USA TODAY (Oct. 22, 2020, 11:58 AM), <https://www.usatoday.com/story/news/nation/2020/10/22/coronavirus-women-leaving-jobs-droves-amid-child-care-crisis/3727447001/>; Claire Pedersen et al., *Amid Covid-19, Moms Leaving the Workforce Could Have Lasting Impact on Economy*, ABC NEWS (Dec. 1, 2020), <https://abcnews.go.com/US/amid-covid-19-moms-leaving-workforce-lasting-impact/story?id=74468354>; Annekan Tappe, *Working Mothers Are Quitting to Take Care of Their Kids, and the US Job Market May Never Be the Same*, CNN BUS. (last updated Aug. 19, 2020, 02:35 PM), <https://www.cnn.com/2020/08/19/economy/women-quitting-work-child-care/index.html>; Nicole Bateman & Martha Ross, *Why Has COVID-19 Been Especially Harmful for Working Women?*, BROOKINGS (Oct. 2020), <https://www.brookings.edu/essay/why-has-covid-19-been-especially-harmful-for-working-women/>.

² *The Simple Truth About the Gender Pay Gap*, AAUW (2020), <https://www.aauw.org/resources/research/simple-truth/>.

to guess the cartoon in the chat. They did so lovingly and jokingly, but it left me in tears. The façade that I was holding it together (a façade that was already breaking) was completely obliterated. I put on a button-down collared shirt every day, make sure my virtual background is set up, and try hard to project that everything is ok and the work is getting done. But everything is not ok.

While the basics are getting done for students, I'm not as focused on them as I used to be, and my productivity towards tenure is practically gone. I'm not writing, and my committee work has declined significantly. Of course, I am trying. I research for a possible law review article while sitting next to my son as he attends his kindergarten class. I read the research I have found while having to pass him a new worksheet or notebook every few minutes, reminding him to listen to the teacher approximately every twenty-five seconds, and making sure I hear his homework assignments because he generally isn't focused enough to fully catch them himself. During this time the toddler is usually either throwing his food on the floor, screaming, or pulling all of the books off of a bookshelf.

My colleagues without kids point to the fact that I am getting to spend more time with my kids and ask me what fun new exciting things I am doing with them. It is true that I am learning more about my kids as humans than I would have if they were in school and daycare for ten hours per day, and that is wonderful. But the pressure to make new magical memories just leaves me feeling even more defeated. We're just trying to get things done, moving from task to task all day every day. I can only manage my life in fifteen-minute increments now. It's not entirely different from life before COVID-19, when there was always more to get done in a given day than was humanly possible. But the ability to physically separate work from caring for my children made getting things done a bit more manageable.

Still, the experience has not been all negative. One of the silver linings of spending so much time watching and helping my kids learn is that it has taught me to be a better teacher. Watching my son's kindergarten class has reinforced what I learned about teaching from our academic support community. I have come up with six takeaways for class design that align with my new philosophy of "everything I know about teaching was reinforced by auditing remote kindergarten." My six main takeaways are:

Repetition is key.

Practice is everything.

Sitting still and focusing is really hard.

Kindness is crucial.

Relationships matter.

Everyone is trying their best.

I try to bring these reminders to all of my interactions with my law students. They are home too. Their work/life/school balance has been destroyed as well. They are dealing with the tremendous overwhelm of COVID-19, the injustice of simply living as people who are people of color, queer, differently abled, and/or poor in this country, and vitriolic hate-filled politics. They are anxious about their futures. They are trying their very best.

Stress reduces what—and how much—our brains can process.³ We can only be successful teachers if we recognize our students' struggles (as well as our own), and stop trying to act as though everything is okay. Like my kindergartner, law students learn best in small chunks, with abundant asynchronous opportunities for practice. Developing and providing feedback on that asynchronous practice takes time, of course. But the good news is that those tasks can be done in the small blocks of time and off-hours that the COVID care crisis has forced me to organize my life around. Organizing my courses with plenty of asynchronous opportunities for analytic skill development turns out to work out better for my pandemic life too.

The rest of this note will expand upon the ways that kindergarten teaching can influence law school teaching. I will address each of the six main takeaways—respect, practice, sitting still and focusing, kindness, the importance of relationships, and trying our best—one by one.

B. KINDERGARTEN TEACHING

In the Fall of 2020, my eldest son entered kindergarten. Unlike the first day of kindergarten promised by Hollywood, this first day of kindergarten did not include teary-eyed parents dropping off kids in a new classroom for the first time. My son started kindergarten in our living room, meeting his teacher and classmates through Zoom due to the COVID-19 pandemic. Despite the challenges—and my unrelenting fear that remote kindergarten is permanently damaging my son's social-emotional health—his overall experience has been quite positive. On Sunday mornings he also attends religious school via Zoom. Both of these experiences have reinforced my belief that good teaching is good teaching regardless of the medium. Attending classes six days a week with my son has also fortified valuable lessons about teaching that I strive to bring into my law school classes.

By no means am I suggesting that law students are kindergarteners. Our students are adults with lifetimes of experience and knowledge. They have personal autonomy, and decades of schooling before they reach us. They already know a lot about how they learn and what they need to succeed. But

³ Susanne Vogel & Lars Schwabe, *Learning and Memory Under Stress: Implications for the Classroom*, NPJ SCI. LEARNING, June 29, 2016, at 1, <https://www.nature.com/articles/npjscilearn201611>.

kindergarteners and law students do have one thing in common: they are all novice learners. Kindergarteners may be learning things that we now take for granted—letter sounds, basic reading, writing, and math—but they are learning hard things for the first time. Law students are also learning hard things for the first time. They are learning how to read cases, how to synthesize legal concepts, how to apply rules, how to study in a new way, how to do legal writing, how to work with and represent clients, and so much more. There are some commonalities in how all novice learners learn, regardless of their age or grade level. Both kindergarten teachers and law professors also have goals beyond imparting knowledge within the classroom. Kindergarten teachers and law professors must both concern themselves with developing lifelong learners, and also humans who can successfully interact with others after they leave the classroom. Kindergarteners must learn important lessons about social-emotional well-being, while law students must know how to embrace the role of attorney as they interact with clients, colleagues, opposing counsel, judges, and community partners.

I. Repetition is Key

A lot of what happens in kindergarten is repetition. The students go over the same letter sounds and sight words over and over. They are asked the same questions every day—to repeat concepts about the calendar, the weather, and math. This isn't simply because children need more repetition than adults, but because for real learning to happen, repetition is key, particularly if that repetition is spaced out over a long period of time.⁴ Repetition helps to solidify knowledge.⁵

Going back to material that one has not reviewed recently can aid in combatting the forgetting curve.⁶ The forgetting curve teaches us that humans are very bad at remembering things.⁷ We forget forty percent of what we learned in just twenty minutes, and nearly half in a single hour.⁸ But,

⁴ See, e.g., Sean H.K. Kang, *Spaced Repetition Promotes Efficient and Effective Learning: Policy Implications for Instruction*, 3(1) POL'Y INSIGHTS BEHAV. & BRAIN SCI. 12, 13 (2016); Gabriel H. Teninbaum, *Spaced Repetition: A Method for Learning More Law in Less Time*, 17 J. High Tech. L. 273, 282 (2017).

⁵ Teninbaum, *supra* note 4, at 276.

⁶ *Id.* at 279.

⁷ Nikhil Sonnad, *You Probably Won't Remember This, but the "Forgetting Curve" Theory Explains Why Learning Is Hard*, QUARTZ (Feb. 28, 2018), <https://qz.com/1213768/the-forgetting-curve-explains-why-humans-struggle-to-memorize/>.

⁸ See, e.g., Daniel Brown, *Ebbinghaus Forgetting Curve*, EDAPP (Dec. 14, 2018), <https://www.edapp.com/blog/ebbinghaus-forgetting-curve/>; Emily Marsh, *The Forgetting Curve: Why*

repeatedly going back to concepts with intervals of time in between the review can enhance recall and understanding. Spacing out this repetition forces your brain to work harder.⁹ When your brain works harder, it remembers more.¹⁰

Law professors too often subscribe to the “one and done” paradigm, where they say something once and expect that all students heard it, understood it, and know how to apply the information going forward. I have often heard from my colleagues—and have said myself—something like, “but I said that, I know I said that!” Unfortunately, however, saying something once does not mean that it was heard. People need repetition in order to remember. Learning is recursive. Hearing something once or twice does not always mean that it sinks in, nor does it mean that the importance of the concept is adequately conveyed. As law professors, we often worry about repeating ourselves too much, thus making our class too boring or too easy. But there are always opportunities for students to take a deeper dive into the material. Additionally, when learning something for the first time, rarely is anything too easy. Repetition is helpful for all students, as it imparts both meaning and significance, and enhances clarity.

Repetition is even more important in a remote learning environment than it is in an in-person environment. Staying focused online is harder than staying focused in person, and staying focused in person is no easy feat.¹¹ The distractions of trying to learn in an entirely online environment—or in a hybrid environment with constant reminders of the gravity of the global pandemic (space between you and other individuals at all times, and masks, plexiglass, and hand sanitizing stations everywhere you look) are exponentially greater. If something is said once, or placed on a passing slide but not repeated and reinforced, it is likely to be missed by a large number of students. Students are distracted in their home environments and they are anxious in person. Repeating concepts to ensure that everyone hears and understands will enhance student learning, and help provide clarity about what students should prioritize.

Repetition within one class period is likely not enough. Repetition helps reinforce structure, and structure helps individuals learn. By referring back to the previous class at the start of each class, law professors can help students build their framework of understanding, as they will begin to understand how concepts fit together. This sort of scaffolding helps students chunk the material into larger blocks of information, which is critical to memorization,

Standard Leadership Training Doesn't Work, T-THREE (Nov. 12, 2019), <https://www.t-three.com/thinking-space/blog/the-forgetting-curve-leadership-training>.

⁹ Teninbaum, *supra* note 4, at 282.

¹⁰ *Id.* at 281.

¹¹ *See infra*, Section III.

understanding, and application.¹² Syllabi and tables of contents also help create this scaffolding, but law students—particularly first semester law students—may not fully appreciate how valuable these tools can be. Professors reminding students of what has recently been covered and foreshadowing what is to come can help students place the material into an organizational scheme, which they can then use to understand how each piece of doctrine works together, and how they fit into a framework of analysis.

To be truly effective, repetition must be a component of active learning. Passively reviewing concepts is only of limited value. Actively engaging in learning activities that require going back to concepts learned earlier in the semester is much more effective.¹³ Professors can help students engage in active learning by building in assignments that require students to go back to concepts that they learned earlier in the semester. For example, short essays, multiple choice questions, CALI lessons¹⁴, or interactive video lessons could be assigned a few weeks after a concept was first introduced and discussed in class. This way, students are forced to go back and engage with previously learned material. This repetition can reinforce concepts and aid in understanding.¹⁵ It also reduces the amount of information that students will find themselves trying to cram into their brains in the days immediately preceding a final exam. Students should be doing some of this repetition on their own as they work on their outlines and other study materials, but law professors can help students by reinforcing the importance of repetition and building such opportunities directly into their classes.

II. Practice is Everything

In addition to a great deal of repetition, kindergarten includes daily practice of basic skills. Students do not just hear important concepts from the teacher; they practice doing them every day. They practice saying the same letter sounds every day. They practice reading and writing the same words every day. They practice counting and picking out the numbers that are greater than or less than other numbers, over and over. It is through this consistent practice that the students come to truly understand their lessons. They are then able to incorporate these lessons into new scenarios—they can

¹² Mirko Thalmann, Alessandra S. Souza & Klaus Oberauer, *How Does Chunking Help Working Memory?*, 45 J. EXPERIMENTAL PSYCH.: LEARNING, MEMORY, & COGNITION 37, 53 (2019) (chunking works, in part, by reducing the load on working memory).

¹³ Pattie Alleva & Jennifer A. Gundlach, *Learning Intentionally and the Metacognitive Task*, 65 J. LEGAL EDUC. 710, 723 (2016).

¹⁴ See THE CTR. FOR COMPUT.-ASSISTED LEGAL INSTRUCTION, <https://www.cali.org> (last visited Sept. 21, 2021) (CALI Lessons are developed by the Center for Computer Assisted Legal Instruction. They cover a wide range of legal topics and include interactive lesson modules as well as podcasts).

¹⁵ Teninbaum, *supra* note 4, at 284–85, 289.

sort and categorize new objects and read new words, just like we ask law students to apply legal rules to new factual scenarios.

Unfortunately, law professors traditionally do not incorporate enough occasions for students to engage in legal analysis into their courses. Particularly in doctrinal classes, we are often so focused on getting through the material that we think students need to know, that we do not provide them with enough opportunities to practice applying those rules, or to obtain feedback on that practice. We evaluate our students on their ability to apply rules to a new set of facts, but we do not give them many chances to do that before a high-stakes midterm or final exam. Sometimes, we leave the work of teaching written legal analysis entirely to academic support professionals. But doing so means that not every student will actually engage in fully writing out an answer to a hypothetical fact pattern. Other times, we give example hypotheticals in class and believe that to be sufficient to teach students how to do legal analysis. But true practice requires every student to analyze a fact pattern and write out an answer, as they would do on a final exam. Solely relying on in-class examples means that not everyone will actually fully write out an answer, nor will they have a grading rubric, checklist, or model answer to review to see how the answer should have been written. Students need to practice in the same modality as they will ultimately be evaluated through a course's summative assessment mechanisms, so faculty who utilize multiple choice questions must ensure that their students have adequate opportunities to practice doing multiple choice questions as well. Providing opportunities for this practice can improve academic performance, enhance analytic skills, and help students understand some of what they will need to do as practicing attorneys.¹⁶

It can be daunting to begin to incorporate more practice and feedback into your course. It does not have to mean grading full essays every week. There are many ways to incorporate feedback such as providing rubrics and asking students to self-grade, working with academic support professionals, providing individual feedback to some students for each assignment so that they all get individual feedback at least once during the semester but not for every single assignment, or having teaching assistants hold sessions where they review hypotheticals.¹⁷ Another option is to read all of the student

¹⁶ See, e.g., Daniel Schwarcz & Dion Farganis, *The Impact of Individualized Feedback on Law Student Performance*, 67 J. LEGAL EDUC. 139, 143–44, 171 (2017); Ruth Colker et al., *Formative Assessments: A Law School Case Study*, 94 U. DET. MERCY L. REV. 387, 424–25, 428 (2017); Andrea A. Curcio et al., *Does Practice Make Perfect? An Empirical Examination of the Impact of Practice Essays on Essay Exam Performance*, 35 FLA. ST. U. L. REV. 271, 282, 299, 309 (2008).

¹⁷ Heather M. Field, Article, *A Tax Professor's Guide to Formative Assessment*, 22 FLA. TAX REV. 363, 393, 436–38 (2019).

answers and award a simple check minus/check/check plus, and provide a grading rubric and/or model answer.¹⁸

Students benefit from a combination of individual feedback and opportunities for self-assessment. As attorneys, they will need to assess and edit their own work, and also collaborate with others through peer-editing. Consequently, opportunities to practice self-critique and peer-assessment during law school will serve them well long term. My son's kindergarten teacher provided her students with a simple four-part checklist for them to use to edit their writing before they turn in their stories each day.¹⁹ Law professors could do something similar, focusing on IRAC structure, doctrine, policy, theoretical perspective, and anything else that the professor deems to be important to include.²⁰

Humans are often bad at seeing the difference between their work (or what they were meaning to convey in writing) and a model or sample answer.²¹ So, it is important for students to also receive some individual feedback on their writing from the professor. This allows the faculty member who will be evaluating the student to provide the student with information about what the faculty member prioritizes, as well as areas of growth for the student. "Wise feedback" or feed-forward commentary that focuses on how the student can improve in the future is particularly effective, as it not only tells a student how they could have improved on a particular assignment, but what they can do more globally to improve their legal analysis and legal writing skills.²² It also ensures that students understand that the purpose of a professor's feedback is not to be critical, but to help all students improve and grow.²³ Providing students with opportunities to regularly practice analysis in their doctrinal classes will help them develop their legal skills. It will also help students develop an understanding that the key to success in law school is not simply memorizing the law as it is, but learning how to apply that law to novel situations. The only way to learn to do that is to practice doing it.

¹⁸ *Id.* at 429–30, 435.

¹⁹ My son must make sure that he starts each sentence with a capital letter, ends each sentence with a period, puts a space between each word, and adds details to his stories.

²⁰ See Allie Robbins, *Assessing Your Own Work*, THE CTR. FOR COMPUT.-ASSISTED LEGAL INSTRUCTION, <https://www.cali.org/lesson/18101> (last visited June 26, 2021) (for a lesson that helps students learn how to assess their own essay work, and a sample checklist for self-evaluating IRAC structure).

²¹ Jim Dempsey, *The Pitfalls of Self-Editing*, WRITER UNBOXED (Nov. 23, 2018), <https://writerunboxed.com/2018/11/23/the-pitfalls-of-self-editing/>.

²² See, e.g., Paula J. Manning, *Word to the Wise: Feedback Intervention to Moderate the Effects of Stereotype Threat and Attributional Ambiguity on Law Students*, 18 U. MD. L.J. RACE, RELIGION, GENDER & CLASS 99, 101–02, 122 (2018); Sue Shapcott et al., *The Jury Is in: Law Schools Foster Students' Fixed Mindsets*, 42 L. & PSYCH. REV. 1, 2, 32–33 (2018).

²³ See Manning, *supra* note 22, at 102.

III. *Sitting Still and Focusing is Really Hard*

Kindergarteners are not generally well known for their ability to sit still and focus. Most five-year old children move around a lot. Sitting in front of a computer screen and focusing on lessons is not an easy task for a kindergartener. But focusing as an adult isn't easy either, particularly in the time of a global pandemic. We all have a lot on our minds, and a lot on our screens. The competition for our attention is intense. It is hard for all of us to focus for sustained periods of time right now,²⁴ and our law students are no exception.

My son's kindergarten teacher provides the students with frequent "antsy breaks" during which she plays silly videos that get them up singing and dancing. Although I don't think law students would appreciate the same Go Noodle²⁵ videos that my son's classmates enjoy,²⁶ providing regularly scheduled breaks in each class session so that students can get up and move can help maintain student focus. If students know a break is coming, they are more likely to be able to stay focused when they need to. Breaks help students (and faculty members) to recharge and reset our attention, and are most helpful if given at least every sixty to ninety minutes.²⁷

My son's religious school teacher switches activities frequently to keep her students interested. Similarly, changing activities in a law school class can help students regain focus. Alternating between lecture, small group or partner work, independent work, review of practice problems, academic skills work, knowledge games, and other activities can enhance student attention and engagement by keeping their brains interested in what is

²⁴ See, e.g., Sarah Manavis, *Why Can't We Focus During This Pandemic?*, THE NEW STATESMAN, (last updated Sept. 21, 2021, 6:12 AM), <https://www.newstatesman.com/science-tech/coronavirus/2020/05/how-focus-concentration-pandemic-brain-motivation-apps-pomodoro>; see also Catherine Woulfe, *Did the COVID-19 Crisis Bork Your Attention Span? Here's Why*, THE SPINOFF (May 3, 2020), <https://thespinoff.co.nz/books/03-05-2020/a-blessedly-short-thing-about-your-broken-attention-span/>.

²⁵ Go Noodle is a website and app that has a series of short, movement-based videos for young children. GO NOODLE, <https://www.gonoodle.com/> (last visited June 23, 2021).

²⁶ Though perhaps occasional silliness in law school would be good too. It could help build relationships and humanize the students and faculty to one another.

²⁷ See, e.g., Courtney Seiter, *Why You Need to Stop Thinking You Are Too Busy to Take Breaks*, FAST CO. (Sept. 2, 2014), <https://www.fastcompany.com/3034928/why-you-need-to-stop-thinking-you-are-too-busy-to-take-breaks>; see also MaKennah Hollon, *Knowing Your Cognitive Limits: Taking a Study Break*, ONLY HUMAN 2.0 (Dec. 1, 2019), <https://onlyhuman2.swanpsych.com/2019/12/01/knowing-your-cognitive-limits-taking-a-study-break/>; Katie, *Swamped? Why Taking a Break Will Boost Your Productivity*, RINDLE (Nov. 28, 2016), <https://hello.rindle.com/swamped-why-taking-a-break-will-boost-your-productivity/>.

happening.²⁸ This is especially important in a remote environment, when students are spending all day staring at small screens. It can be difficult for our brains to differentiate when we need to pay close attention, and when we are scrolling through social media and only need cursory concentration.

Although our students have more self-regulatory skills than kindergarteners, regularly scheduled breaks and changing activities multiple times during class can help our adult learners maintain their focus and stamina. Providing a break or two in each class period is also helpful for faculty, as we perform better after a break as well. Additionally, including multiple learning activities in each class session can not only improve faculty energy, but it can help move us away from being the “sage on the stage” and towards being the “guide on the side,” encouraging students to take more ownership over their own learning and actively engage in legal analysis.²⁹ Active learning is effective for retention and understanding, even though students may initially find it to be uncomfortable and prefer to passively listen to a professor speak.

IV. Kindness is Crucial

One thing that anyone entering a kindergarten classroom realizes quickly is that kids really do say whatever they want. Remote kindergarten is no exception. My son constantly raises his hand and tells his teacher whatever is on his mind—whether it is relevant to the discussion or not. He is also brutally honest and feels it is important to make his opinion known about everything. As a law professor, I often find myself feeling frustrated and befuddled when students say things that are off-topic or that I interpret as demonstrating that they are not taking my class as seriously as I would like them to. I am sometimes defensive when students question my teaching methods or style. But auditing kindergarten has shown me that the best approach—no matter how bewildered my initial judgment leaves me feeling—is a kind response.

One morning in my son’s religious school class, the students were working on a coloring project. One student said he was too tired to color. I’m pretty sure I laughed out loud. The teacher’s response—without skipping a beat or laughing at the student—was, “Ok, so maybe you’re getting inspiration and you can do it later.” My internal response, of course, was much less kind. It was something along the lines of, “Are you kidding? We’re all tired! How hard is it to color?” That response, of course, is entirely

²⁸ It is recommended that we switch activities as frequently as every fifteen minutes. Annie Murphy Paul, *How to Get-and Keep-Someone’s Attention*, TIME (July 25, 2012), <https://ideas.time.com/2012/07/25/how-to-get-and-keep-someones-attention/>.

²⁹ See Alleva & Gundlach, *supra* note 13.

unhelpful. Sometimes we are all really just too tired to get much out of the task at hand, and it would be better to sit back and devote ourselves fully to it later. In the law school context, a shaming or demeaning response would shut down a student, and might prevent that student from disclosing (either to the faculty member or to the Student Affairs/Student Services Office) a personal issue that is getting in the way of their law school success. That would be a tragic outcome, as there are often Student Affairs interventions that can help students fulfill their potential in law school, and ultimately become attorneys that change the world.

My son loves talking to his teacher. He often stays on Zoom for too long, particularly after his one-on-one reading assessments. As law professors, many of us have also had those students that want to tell us everything that is going on in their lives, or ask multiple questions about every single thing we are teaching. We may react by brushing them off or telling them they need to work harder at it on their own before they come ask us questions. But those sorts of responses can be dangerous in two ways. First, students may be reaching out because they are lonely or in need of some emotional support. While it is not our job as faculty to be our students' best friends, if they are comfortable confiding in us, we may be able to point them to other resources or places where they can get what they need.

Secondly, a student who seems to be approaching us with questions that they could have figured out on their own may actually have worked very hard to figure it out on their own before approaching us. Often, as experts in our fields, it can be hard for law professors to remember what it was like to be a novice learner. A student may have spent a lot of time trying to understand the material on their own, but may not have developed strong law school study strategies yet. Additionally, a student may have an undiagnosed learning disability, or may just be in need of a little bit of extra support. If we turn them away or brush them aside instead of embracing them and trying to show them how to synthesize and understand the material on their own, we are not doing our jobs as teachers. We are also likely missing an opportunity to help someone who has the potential to become a stellar student and excellent attorney, if only someone took a few extra minutes to answer their questions and help them learn how to learn.

Many first-generation law students do not feel comfortable speaking to professors, and may therefore approach faculty in a way that tradition deems unprofessional. These students should be met with kindness anyway. They do not know the norms of the legal profession or legal education, and it is part of our role to help them navigate those norms. Other students may come across as not having put in very much effort—even if they have spent hours on a task—because they fear embarrassment if they admit how much time

they put into learning something that they are still not understanding. Some may not come at all, but we should encourage them to do so.

The identity of a student can impact the likelihood that a student will visit office hours. Students may not visit office hours of a professor whose “social and physical identities” differ from their own, as students whose identities are similar to a majority of professors are generally more satisfied with their faculty interactions. At one law school, gender had an impact on the use of office hours; men were more likely to visit the office hours than women. Further, the office hour has the potential to interfere with students’ professional identities in that many students carry an often false identity of perfection. Attending office hours for the purpose of clarifying creates a risk to upending this identity. Identity triggers can feed into what is a well-known phenomenon that students avoid office hours because they are intimidated.³⁰

Only by responding to all students with kindness will we be able to know what is truly going in our students’ lives, and how we might help them. Each faculty-student interaction is an opportunity to demonstrate what the legal profession could be—and should be—and to build a kinder, more compassionate generation of attorneys.

Some students will have unrealistic or inappropriate expectations about what law school will be like, or about the role of faculty in student learning. While this can be frustrating, even these students should be met with a kind response, as it is only through kindness that we can push these students forward to a place where they understand what we expect of them. So, just as I am grateful that my son’s teachers respond to his absurdities with kindness and laughter, I hope to respond to my students with the same humanity. The stakes are high in kindergarten because teachers don’t want to turn students off to school, and instead want to spark a lifelong love of learning. Law professors should have the same goal, as lawyers are lifelong learners as well.

V. Relationships Matter

My son’s engagement in Kindergarten shifted after his first one-on-one reading assessment with his teacher. It was not about reading, but about having had a chance to speak to his teacher one-on-one. This was particularly important because he has never met her in person. But having spoken to her once one-on-one, he seemed to feel like she knew him, and he was less apprehensive about class. All of the opportunities for side conversations and one-on-one interaction that would normally happen in a classroom are absent

³⁰ DeShun Harris, *Office Hours are Not Obsolete: Fostering Learning Through One-On-One Student Meetings*, 57 DUQ. L. REV. 43, 47 (2019).

in a remote learning environment. The same is true for law school. Banter before and after class, running into students in the hallway or while grabbing lunch, and seeing them at school events are all different now. These things are not just nice byproducts of an in-person educational environment. They are necessary components of the educational process for many students.

Feeling a sense of belonging within the law school environment is critical to student academic success.³¹ Students feel that sense of belonging when they believe that someone cares about them.³² It can be much harder to convey that sense of caring when law school is entirely remote, but it is not impossible. My son's kindergarten teacher makes sure to hear from each student every day. She regularly points out something special about what they are doing. She comments on their writing assignments, and brings up things she saw during class. She makes the students feel seen. His religious school teacher ended up in a guessing game about her students' Chanukah presents (prompted entirely by her students and demonstrating that she is a really great sport and will go with the flow to make her students feel heard). She guessed that my son got a microscope, which he did. That guess showed us that she really pays attention to the students and learned that he likes science.³³ She also spends time at the beginning of each class checking in with her students and asks them how they are doing. She makes it clear that she cares about them as whole people, not just as vessels into which she pours knowledge each week. The return on investment for those moments of individual attention are plentiful. The children are more engaged because they feel that someone is really paying attention to them. They truly feel loved and cared for, and that love translates into them wanting to log into class, participate, and show off their work.

The same is true for law school. While it is harder in the law school environment, as our classes can be quite large, it is important to try to find moments to connect with each student. This doesn't have to mean speaking to each student one-on-one. The interaction could come in the form of having students respond to a particular reflection question prompt and providing some feedback on that. It could mean providing individual feedback on an analytical assignment and responding with broader comments about their understanding of the material or analytic framework more generally, in addition to commenting on the specific points raised or missed. It could mean leaving time before or after class for the students to chat about anything that is on their minds. It could mean leaving some time during a few class periods for group discussion about how they are doing. It could mean having a time

³¹ Jeffrey J. Minneti, *A Comprehensive Approach to Law School Access Admissions*, 18 U. MD. L.J. RACE, RELIGION, GENDER & CLASS 189, 206 (2018).

³² *Id.* at 207.

³³ After all, how many 5-year-olds got a microscope for Chanukah?

during the semester where the students get to invite their pets and other loved ones to join the class for a few minutes, as a reminder that we are all humans with more going on in our lives than just law school. It could mean requiring students to attend an office hour individual or small group session. It could mean an acknowledgement in the syllabus about how hard this semester is and inviting people to come to you if they are struggling with something. It could mean emailing each student once during the semester to check in on them. There are many possibilities, and the gestures do not have to be grand. Simply reaching out to say hello can go a long way toward making students feel seen and, therefore, like they belong.

The type and size of a class will change how professors go about trying to build individual relationships, and all students will respond differently to those attempts. But all law professors should try to find some way to connect with each student, as that connection is key to enhancing engagement and academic success. Students perform better when they know we see them as human. They are more willing to engage and make mistakes, which is critical to their learning. The online law school environment is isolating for everyone. Even a single connection to a faculty member can make a student feel like they belong, and can thus keep them fully engaged throughout their law school classes.

VI. Everyone Is Trying Their Best

The last thing that auditing kindergarten has reminded me of is that everyone is trying their best. My son's teacher constantly reminds the students that she will not be upset with them if they misspell a word or answer a question incorrectly. She will always be happy with them if they try their best. She even demonstrates trying her best as she illustrates her writing and sings new songs. Trying our best is all we can ever really expect of people. This is particularly true in the midst of a global pandemic. My son's teacher is kind to the parents too. She knows we are juggling work and full-time caregiving, among other responsibilities. She is flexible with deadlines and frequently sends us reminders through multiple platforms.

Our law students are trying their best too. They are juggling a tremendous amount—school, work, family responsibilities, internships, community involvement. Sometimes things happen that make it impossible to do the reading as thoroughly as they would have liked or to submit assignments on time. Although deadlines are extremely important in the legal profession—and can literally be life or death for a client³⁴—I have tried to be

³⁴ Ken Armstrong, *Lethal Mix: Lawyers' Mistakes, Unforgiving Law*, WASH. POST (Nov. 15, 2014), <https://www.washingtonpost.com/sf/national/2014/11/15/last-chance-pleas-from-death-row-often-tossed-over-late-filings/>.

flexible with deadlines and to instill in my students the importance of asking for an extension before a deadline is missed. Judges will often grant adjournments and delays, as long as there is a reason and the request is made in advance. I would rather my students have the opportunity to do quality work than penalize them for having too much to juggle.

We are all human, so the same grace and understanding should be extended to faculty as well. Technology is finicky; things will go wrong. We sometimes say things that are incorrect or misleading. We sometimes distribute handouts with typos. We often think an exercise is well-planned and well-timed, and then upon execution it falls flat or takes much more time than expected. We should be flexible and understanding with ourselves as well. If we extend that courtesy to students, they will extend it to us.

It is sometimes a struggle to remember that everyone is trying their best when students approach us and ask us questions that we have answered multiple times, or for which answers can easily be found in the syllabus. We can lose patience when technology doesn't work right or when someone we are relying on for something doesn't get it to us quickly enough or exactly how we wanted it. But people are only human, and humans are imperfect. We should strive to treat others the way that we would like to be treated, or the way we would hope those that we love the most would be treated.

We are in the midst of a global pandemic, unlike anything any of us have had to deal with before or could have imagined dealing with. We are all dealing with new caretaking challenges, loneliness, anxiety, depression, and new methods of working and interacting with others. We are all doing our best. It is our job to push our students so that their skills and knowledge grow. Recognizing that we are all doing our best does not mean being complacent about student learning. But it does mean approaching students with grace and flexibility. When people feel seen and supported, they feel more comfortable making mistakes, which is ultimately what we want students to do. It is through making mistakes, after all, that we learn the most.³⁵

C. CONCLUSION

The COVID-19 pandemic has upended every aspect of our lives. It has led to an acute care crisis and has resulted in chronic stress across the academy.³⁶ But for me, it has also been a helpful reminder of what is most important—clarity, kindness, and most of all, my kids. Legal education has been completely upended during the COVID-19 pandemic. We have each

³⁵ Claudia Wallis, *Why Mistakes Matter in Creating a Path for Learning*, KQED (July 26, 2017), <https://www.kqed.org/mindshift/48770/how-making-mistakes-primers-kids-to-learn-better>.

³⁶ Colleen Flaherty, *Faculty Pandemic Stress Is Not Chronic*, INSIDE HIGHER EDUC. (Nov. 19, 2020), <https://www.insidehighered.com/news/2020/11/19/faculty-pandemic-stress-now-chronic>.

learned the virtues and difficulties of trying to teach law students remotely. Hopefully, it will also cause all of us in the legal academy to think about what is truly most important about what and how we teach, and to rebuild legal education from that foundation.