COVID challenges and tomorrow's lawyers (full version)

The fuller article exploring the difficulties faced by students during COVID-19, the implications for recruiting firms – and what these intending solicitors may have to offer from their experience

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As the light at the end of the COVID tunnel grows brighter, it gives an opportunity to reflect on the events of the past 15 months, and to consider how we collectively respond to the challenges that have been faced, looking for long-term improvements.

For the purposes of this article, my focus is in representing what law students have experienced, detailing the specific challenges faced this year, and what we need to be mindful of, particularly as they transition in the coming years from studying to the workplace. These are students who, over that time, will become trainees at firms. They will become colleagues, peers and counsel for clients, and hopefully will go on to become leaders and partners in institutions.

While they are in the embryonic stages of their legal careers, my message is that it is easy to write off any difficulties students have faced as being a direct consequence of COVID. Nevertheless, these challenges were already present pre-COVID. COVID has merely magnified the obstacles that students face in studying and approaching the profession. Therefore, we need a greater understanding of the modern challenges to achieve the necessary long-term reform. There is clearly a debate to be had around structuring core material and teaching methods, and that will be discussed at points. However, this article specifically refers to personal circumstances, and provision of pastoral care.

Experience of student pastoral care

As background, three years ago I was appointed as Strathclyde Law School's "Senior Tutor". In brief, this role (in addition to core teaching) meant that I oversaw our pastoral care provision in the school for undergraduate students. This included allocating students in groups to academic staff acting as personal development advisers, sending guidance to staff on how to respond to common issues, and researching and updating the list of university and external support services for students. Importantly for this piece, I had frequent correspondence and one to one meetings with students (particularly those with complicated or urgent personal circumstances), both in person pre-COVID and on Zoom during COVID.

In response to COVID I sent out updates to students on support services and offered drop-in sessions, which I also extended to our postgraduate taught cohort. Some of these were more serious in highlighting university policies, plus mental health and wellbeing resources. Others were informal and involved writing blog posts and sending out Spotify playlists to keep some engagement with students.

I was in that role until January 2021, when I took over as our honours coordinator. I retained a pastoral care role, but for one year group, not the whole school. However, it meant that organisation of classes was in my remit, and I also had frequent correspondence with students concerning the progress of their honours dissertations, with discussions on supervision arrangements. In both pastoral care roles, I have had frequent correspondence with students, on a whole range of issues and circumstances. It is that experience which I wish to bring when discussing challenges faced.

Caveats to observations

The conclusions are based on a series of discussions in an administrative role, not as part of a formal research project. They are primarily from discussions with undergraduate students, as opposed to postgraduate international students. In addition, given the confidential nature of personal circumstances, any examples provided are not intended to convey information about any specific individual. Finally, the piece is written from the perspective of one academic with a strong interest in student support and enhancing the student experience at one institution. Some of my colleagues may disagree with me, and in addition, I fully respect that in presenting these points in the context of transition to the profession, there is another side to this from practitioners.

If so, I hope that this can form part of an ongoing dialogue. Furthermore, I do not wish to pretend that staff and those in the profession have not also faced the difficulties discussed here. However, my experience is directly from speaking to students, and the aim overall in

highlighting this is to try to contribute in some small way to ensuring that support and understanding does not stop on graduation but continues through to professional lives.

The impact on teaching and learning

It goes without saying that teaching and assessment have fundamentally changed this year, with students being online for over a calendar year now. The format of teaching online does have its benefits – it is much easier to record content for distribution, and it is occasionally easier for students to comment, ask questions and react live to content without "outing" themselves in front of the rest of the group.

The trouble is, students are not as able to have a discussion afterwards in peer groups. This year, classes were either asynchronous (pre-recorded) or synchronous (live and recorded). At our prizegiving ceremony, hosted online, Lady Wolffe described studying law as an ongoing WhatsApp conversation. While students might have access to more recorded content to review, they have less opportunity to clarify their understanding in discussion with peers. Students had content, but did not have the same opportunity to develop context.

As an example, for asynchronous classes, students did not have a routine timetable, and could not ask questions at the end of the lecture as they would do in person. The logic with a pre-record was to try and give students flexibility, but this came at a cost. Students will not be covering content at the same time, so even if group chats sought to discuss content, the timings were not consistent, meaning discussion was too spread out. For the live synchronous classes, the routine was there, but there would be Zoom fatigue – for both students and staff. However, once the lecture finished, the lecturer would log off, and usually end the Zoom session as host in the process. Students could not ask a quick question as the lecturer was packing up, and with the rapport you would normally develop from seeing students in person missing, it was intimidating for them to ask for a clarification after the end of the session.

Furthermore, a minority of classes unfortunately had to be withdrawn for medical reasons once term had started, or an *ad hoc* replacement tutor or way of teaching had to be adopted.

Access to materials

Pre-COVID, each compulsory class would have set texts on the reading list. Not all subject textbooks are equal, and staff need to decide the recommended text based principally on their own experience of quality and efficacy, not accessibility. Physical textbooks have an associated cost that can be a barrier to some in studying effectively. Therefore, students may either need to use the library copies, which would be in high demand and not always available, or join with peers to share purchases and exchange textbooks among each other. With restrictions on movement and meeting, these exchanges were not as easy to organise.

In order to access core content during COVID, students required to have digital access to materials. However, the materials needed to be produced first. The immediate focus for staff had to be on converting lecture content into an online format, a sharp learning curve which meant that lecture content would be produced in a variety of different formats and at different speeds, meaning provision was not consistent. I cannot convey how often there was a delay uploading asynchronous material, because 15 minutes into a section, I made an error, and would need to go back and re-record.

However, more importantly in this context, not every student's access was the same for a variety of reasons. Some had less reliable internet, or the demands of more people being at home and using the same connection at the same time meant that connections were unstable. Furthermore, some students were in a household where a laptop was shared among multiple family members who needed it for their own work or education. How can you balance those needs? If a student needs to review content after the live lecture has been delivered, is the student constantly playing catchup?

This scenario also assumes that there was a laptop available to every student, whereas in reality there were students who relied on university library computers for completing assessments, and mobile data for any other communication. There was a means tested digital inclusion fund, and laptop lending too, but this was reliant on communicating with the relevant person via email, or applying online. This also took time, because once confirmed, students would need to allow time for delivery and connecting to the internet.

Students also required access to university library services, to conduct research for dissertation projects, and for an established quiet place to work, particularly for any students working part time, who required access over the weekend. Yet opening hours were limited, in part because of a minority of students in the wider university consistently failing to comply with the regulations when attending. Some publishers made more content available digitally, but the cost of a licence for the university to purchase an e-book was, on occasion, very high and could not always be justified. A later section in this piece talks about students comparing themselves with each other, but there were also comparisons made on library arrangements at other Scottish universities, with students arguing that they would be at a competitive disadvantage to other graduates if they did not have equal opportunity to access a library. This argument could be made pre-COVID as well, but COVID amplified the differences.

It was therefore a challenge for both students and staff to navigate the maze of studying online. Digitisation of textbooks was a particular difficulty for some students with disability adjustments. Outwith COVID, there is an inherent barrier for students who are visually impaired or need materials adapted to make them accessible, relying on the university being able to provide digitisation services in a timely manner. With anonymised marking, staff can find it difficult to distinguish these students from their peers, and delays can

cause complexities in being organised and prepared going into written assignments. That is not to diminish the efforts of library staff, but to convey the point in the next section about COVID being a magnifying force for student complications, widening the already present divide between students who required an adjustment, and those who did not.

Equally, more core lecture content was recorded, so it is arguable that parts of the course were more accessible. However, to meet accessibility requirements for pre-recorded material, staff had to ensure that the recording was captioned. This was done using automated transcription software. There were numerous occasions where the need to make corrections to the output added to the time taken to get the content uploaded. To give an example, our recorded virtual graduation ceremony lasted for approximately 40 minutes live, yet it took approximately four hours to correct before sending out. Students also occasionally sought to transcribe every word the lecturer said, to enable them to go back and review content. In wanting to be 100% accurate, this approach added hours on to an already full time degree.

Examinations and assessments

Exams and assessments were not able to run in the usual manner either, and the university and school were faced with ways in which we could assess students fairly, while upholding the standards of a degree and the specific stated learning outcomes of each class.

The formal exam period was due to start approximately six weeks after lockdown began, and students were understandably anxious about how this would work, because each student's exam environment would be different. Following a series of discussions, amid concerns that we would not want to penalise any student who could not be online for a set time, we eventually settled on students having to complete the exam in a 72-hour window. The idea was to allow students to find the nominal time over the course of three days to complete the assessment.

However, this, on occasion, was interpreted as meaning students should spend an extended amount of time across the whole three days, with some going back to it prior to submission and possibly skewing towards being safe in explaining more, as opposed to taking risks. This also posed challenges for the Student Affairs Committee on academic integrity, and there has been a difficult balancing act where the school has had to stress the importance of this, while also recognising the difficult position students were in. It also affected the group chats on which we relied this year to help foster a student community: many students left these chats for fear of the exam being discussed there once the paper had been released, and their being accused of any improper activity, which further isolated them from their peers especially if they did not rejoin the groups at a later date. While the underlying message was correct, it is understandable why it would have heightened student anxiety during the assessment period, and contributed to their feeling disconnected from the academic community.

COVID's impact on personal circumstances

COVID has therefore had a significant impact on the structure and methods of teaching. It is tempting to dismiss the last year as a one-off. However, I am firmly of the view that COVID has not really changed personal circumstances, but magnified problems which were already in existence pre-COVID, and we saw a noticeable spike in student anxiety and complaints at the start of January 2021.

The conditions in question can include practical difficulties which complicate being able to study full time. For example, those with caring responsibilities for a family member for medical or childcare reasons would have faced complications in organising their schedules. Adding home schooling to the equation means less time available for engaging with core content, or trying to review it at unsociable working hours after a full day of other commitments.

In addition, finances have always been a concern for students. Numerous students work part time, with many employed in shift work or in hospitality, and some being self-employed. Many now faced the uncertainty of furlough, while wanting to work available hours to build up a buffer in case of redundancy (or with the intention of reducing working hours in honours year), or to offset a drop in household income from another source. There is an argument that the degree is full time and students work alongside studies at their own risk, but we cannot criticise them for meeting the cost of living. Voluntary suspension would, for some, have increased the long term cost of completing studies, so was not always seen as a palatable option.

There are a few observations to make from the meetings I had with students. The first is that I cannot recall a time where I have actively concluded that the personal circumstances were the student's fault. It is not the student's fault that they have suffered a bereavement, or a family member is unwell; it is not their fault that they are experiencing physical or mental health difficulties (particularly because of COVID isolation); it is not their fault if they have been the victim of a criminal offence. The only times where it may be the student's fault is if they have committed a criminal offence (which I have not come across), or if they have plagiarised (which is determined by others in the school, and rarely arises in pastoral care meetings). Therefore, we need to be sympathetic to personal difficulties, and considerate in not blaming students, but also proactive in conveying to students (and to applicants) that they will not be judged for something which was not their fault. This, in turn, hopefully encourages students to reach out for support earlier, and achieve a positive result sooner.

A reaction might be that expertise in helping a student (or colleague) experiencing mental health difficulties is beyond the remit of our roles. As individual staff members, we are not trained psychologists and counsellors. But students do not come into meetings expecting

me to resolve all their problems. What they want is for someone to hear what the difficulty is, and give advice on how to move on. How can they register the personal circumstances and have them considered at exam boards? Which university service should they access? Are there other external organisations that can help? What is available in the short term without a waiting list? Which work should they prioritise? How can we ensure the student's safety and wellbeing in the school? Firms might have human resources departments and give advice on medical leave, but that is not quite the same thing as answering those questions, particularly if the dynamic changes from educator to paymaster, where employees do not want to be seen as letting the team down.

Through my roles I have frequently spoken to students who have particularly complicated and serious personal circumstances. Students who make contact have taken a big step to disclose private information, and are trying to be proactive to overcome whatever the obstacle is. Students recognise they need to act in these situations, but uncertainty about how the school and others will judge them is a major factor in blocking students from taking that step.

One of the potential ways to help a student is to discuss voluntary suspension with them – the idea being that studies can be paused, the student can look to resolve the difficulties and return to study when fit to do so. The problem is that it is incredibly difficult to discuss that option without it coming across as doubting their ability. It inherently presents as saying that a student cannot do something, and is stepping away, when it is a positive action to allow the student to be proactive in seeking assistance. The student in these circumstances can feel like they need to give a full explanation to their peers, and when they return will not be in classes with the same people, making it difficult to make connections. However, they also worry how potential employers will judge them if they see that an applicant took longer than normal to complete a degree.

Internalised pressure: careers and comparing with peers

Careers are an ongoing concern for students, and while there has been noticeable outreach from firms and from the Law Society of Scotland in hosting events, students realise that they will be entering a competitive job market, with fewer opportunities for placements and traineeships.

Where this particularly impacts the profession, though, is that often one of the obstacles students face is how they think they will be judged by firms when applying for jobs. This is, I suspect, an internalised pressure, but the fear is that if a student lists that they started their degree in 2017, but did not graduate until the summer of 2022, a potential employer will think poorly of them and focus on why they needed another year, without the full context as to why that happened. There are potential opportunities for students to list additional information, but often this can cause distress, because a student would be disclosing something particularly sensitive. This is also a problem for applications to the Diploma in Professional Legal Practice, where I have had students ask how much the application team need to know about the reason for an additional year. One thing I would like to see moving forward is for employers proactively to recognise that taking voluntary suspension shows a level of maturity, and to respect that it is not reflective of the student's ability and potential value to a firm or organisation.

Earlier this year, I took part in a careers event organised by our Strathclyde Student Law Society. One of the questions was "What is the best part of your job?" My response was that on a day-to-day basis I get to speak to and interact with intelligent, bright and talented people. It is like discovering a band before they get signed by a major label. One of the challenges that we have, though, is getting students to really see their skills, and believe in themselves.

Whether we like it or not, students compare themselves with one another, but this comparison is without full information, context and nuance. If a student receives a mark of 65 for an assignment, and their friend receives a 72, the perception is that they must be a worse student overall, without having read the full comments from the marker. At honours level, this is particularly difficult in the dissertation, where students compare their experiences of different supervisors, despite writing individual projects which are not comparable. Word count is a false indicator of progress: one student could have 5,000 words of well formulated critical argument, whereas another could have 14,000 words of observations from the literature which they need to cut down into a threaded piece.

Students and employers not recognising skills

Careers wise, if students see one of their peers succeeding and they get a "rejection", they automatically think they are not good enough, as opposed to being perhaps equally capable or having their own strengths. If the company does not provide additional feedback (which I admit takes time and resource), that can reinforce this self-doubt.

Consequently, students will sometimes not apply for an opportunity, because they do not think they are good enough, and do not recognise the skills they have developed to make them valuable to a potential employer. It is disheartening to speak to a student who cannot see how well they have done, and what they could offer an employer. The alternative is that a student is looking to apply, but completely undersells their skills on an application form, not through modesty, but lack of confidence.

The students I meet regularly are ones who have developed traits which show that they are incredibly determined, and they build up resilience. In that regard, I think that if the profession does not give full consideration to the challenges that students face generally (now exacerbated by COVID), they are overlooking a large pool of talent. Rightly, law degrees are earned and not handed out. Our students work incredibly hard to achieve them, but think they will be assessed solely on a headline grade for each class, allowing for

a "Top Trumps"-esque comparison, when the chances are that they would be a committed employee, actively listen to clients and ultimately demonstrate empathy.

For the current cohort of students, if their futures are not resolved by September 2021, the impression is that they have missed out, and there is no fallback position. I would therefore like to see more made of students being assessed on a wider range of factors when applying for a position. In return, it is for the school and the university to convey to students the full range of careers options to them, focusing on transferable skills. However, most students will want to continue to the profession.

Practically, I do recognise that there will only be a finite number of positions every year. This might mean that students who are not able to find a traineeship or other job decide to complete further study via an LLM, to build up critical skills and expertise. This could be a real positive for firms, because by nature these students are reviewing information critically and presenting it in a manner to convey an argument, often advocating for reform. However, the chances are that as these students re-apply for traineeships, there will be competition from those who have more recently graduated from their undergraduate degree. There may, therefore, be a question beyond the scope of this piece about how to balance the interests of these two cohorts.

Some potential silver linings

My intention in writing this is not to present a doom and gloom outlook for the future. If universities and employers can both understand what has happened to students in recent times, that will be beneficial for all. In discussing COVID, there is a temptation to focus on the negatives, but there have been positives as well, where COVID has acted as a catalyst for improvements in structuring university and professional activities.

COVID has forced me to review how I teach. I now have some more developed skills in recording content, video editing and hosting events. But importantly, I have also had to develop new ways to engage with students. Pre-COVID, a student would have to come to the law school reception, ask for me and wait until I could come and meet them. It is an intimidating environment if you are going to discuss a private matter. Now, I can host drop-ins more easily, at short notice, and in a way where the student feels less exposed and can get an earlier intervention on Zoom. This is entirely reliant on students being proactive, believing they will be heard, and having faith that we will try to help them.

Beyond my own day-to-day activities, mooting has operated well online, meaning that time spent travelling to competitions has been reduced, and timing reminders can be done in a more subtle manner. During our induction week for first year LLB students, we usually host a session entitled "Grenfell and the Law", where a series of lecturers make short presentations on a select number of legal issues surrounding the Grenfell fire. In person, the students could not really react, but online, there was a live chat, showing good engagement and interest in what was being discussed. Year group information sessions, such as honours dissertation advice sessions, can be recorded to be viewed again and allow for questions to be submitted anonymously. Generally, it is also easier to host webinars and conferences with guest speakers: these are more time-efficient (i.e. speakers do not need to travel to attend) and accessible than those in-person, meaning that it is possible to attract a wider range of speakers, too.

Concluding remarks

Universities play a crucial role in the development of students, not only academically, but personally. Students should engage in contemporary debates with their peers and make connections which they will carry on into the future. Progression from study into work is a continuation of legal education, and firms therefore cannot be viewed as entirely separate from university life. Therefore, law firms also benefit from having students who are engaged in legal issues and are enthused about their work.
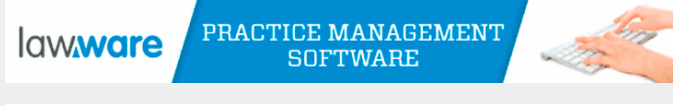
Although this has been fundamentally hamstrung over the last 15 months, the problems were already there beforehand. For all the students who have come and asked for support, there will likely be a significant number who have not done so, whether for concern about how they will be judged, or how effective we can be at helping them. This means that we have not got everything right and must commit to redoubling our efforts, in providing an environment in which students study effectively. I am also not saying that this is easy to implement, and I am sure I will have debates with my colleagues in the future about what can reasonably be expected from us.

However, my concern is that if we fail to acknowledge that we need to change proactively, the positive actions which have been taken by both universities and employers to manage through the pandemic will be lost and we will revert to the underlying problems of disparity in student experience. While they are at university, students will have access to a whole host of support mechanisms, which can always be improved. Nevertheless, we can only provide these while students are with us – the same scenarios I have detailed in this piece could happen to anyone, and as detailed, are not the individual's fault. Awareness of this is the first step in addressing these concerns, and that is what I hope to have conveyed in this article. The more challenging step will be how to ensure we keep the momentum going in the long term to provide the necessary support to allow students to make the most of their careers. We cannot afford to take our foot off the pedal.

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