



- Lee Burgess: Welcome back to the Law School Toolbox podcast. Today, we are talking about the changes law schools are making to grading in the midst of the Coronavirus 19 outbreak. Your Law School Toolbox hosts are Alison Monahan and Lee Burgess, that's me. We're here to demystify the law school and early legal career experience so you'll be the best law student and lawyer you can be. We're the co-creators of the [Law School Toolbox](#), the [Bar Exam Toolbox](#), and the career related website [CareerDicta](#). Alison also runs [The Girl's Guide to Law School](#). If you enjoy this show, please leave a review or rating on your favorite listening app. And if you have any questions, don't hesitate to reach out to us. You can reach us via the [contact form](#) on LawSchoolToolBox.com, and we'd love to hear from you. And with that, let's get started.
- Alison Monahan: Welcome back. Today, we're talking about what schools are doing about grades – everyone's favorite topic – in light of this new COVID-19 reality we're living in. And just to put this in context, we are recording this on March 28th, which I will note is a Saturday. That's how excited we are. And this is all of the information available to us today, so who knows what the world is going to look like when we release this, but this is what we're talking about on the 28th. Alright, well, we're getting a lot of questions on this, right?
- Lee Burgess: Yeah. I think we're at least getting a couple of emails a day around this topic. I think it's such a bizarre time, but then it's also crazy to watch the law schools just kind of panic and start to make these huge shifts. And of course because law schools are what they are, there's very little consistency in what's happening, and I think that just creates a lot of anxiety for students.
- Alison Monahan: Yeah, so we're getting a ton of questions, like, "How is pass/fail going to impact my transfer application or my job application?" or, "I thought I was going to do better this semester and now I don't have that opportunity. What should I tell employers?" These are all great questions.
- Lee Burgess: Yeah. So we're going to try and share a bit about what's going on around the country with some different law schools, and kind of the pros and cons for law schools taking this approach, and then try and answer some of these questions that have been coming in through our contact form. And just so you guys know if you want to keep sending us questions, we're happy to do podcasts on this issue because hey, we're all home. We can still create podcasts from our remote locations.
- Alison Monahan: Lee just really wants to not hang out with her children 24/7, right?
- Lee Burgess: It's true. It's a good excuse.
- Alison Monahan: It's like, Mommy has to work.



- Lee Burgess: Mommy has to work. Maybe before we dive in, Alison, where we live – in the Bay Area – we're kind of two weeks in to the shelter in place orders that were set in California. How do you think that things have changed for you a couple of weeks into this new reality?
- Alison Monahan: Well, I feel like the first week particularly is everyone is just sort of running around, sort of in shock and trying to figure out where their food is going to come from and if they have enough toilet paper. I was talking to a friend of mine who's in New York actually last night, and he was explaining he had been in that situation fairly recently. I'm like, "Oh, right. You're in the 'panicking about food' part. Okay, you're going to get over that. That's going to calm down. You're going to figure out your food supply, and then maybe you can start to focus on your actual job." He's self-employed as well. And he's like, "Well, this is going to be crazy." I think people probably do settle into some type of a rhythm, but obviously it's a lot of stress for everyone and things are not really that easy, just on a daily basis.
- Lee Burgess: Yeah. We circulated amongst our team an [article that was in the Harvard Business Review](#) about how a lot of the emotions and the processes people are going through is anticipatory grief, and that you're really moving through the stages of grief, but you're looking at what you might lose or what you dream you're losing or you're in the process of losing, instead of dealing with a sudden loss. And so, I was thinking about my own reactions from panic and, "This can't be happening." And then you're marching towards pseudo acceptance of, "Well, this is now where we are. Buckle up. We've got to figure out how to make it work. We have a business to run. We have families and people we care about that we need to help. We all just have to keep putting one foot in front of the other." So, there definitely feels to be a shift at the end of two weeks of this, for me. I mean, I'm not happy and I would still prefer to press the "Rewind" button and go back. So, if you are in a place... I guess the reason why I wanted to bring this up is because I think California, the Bay Area, is a little bit ahead of some parts of the country. If you are still in that panic mode or this is all still very new – the coping does become slightly easier, I think.
- Alison Monahan: Yeah. Some Russian friend of mine said there's a Russian proverb that humans are like cockroaches – we'll get used to anything. Which is very Russian, but also sort of helpful. It's like we are used to it now. We're like, "Alright, okay. This is just the reality that we're living in for the moment, so let's deal with it and figure out how to make it functional."
- Lee Burgess: Yeah. Alright, well, the way we're functioning today is working. We were debating about whether or not we have enough information to really cover this topic, so we also want to let people know that we're probably going to do follow-up episodes as more and more information comes down the pipe about how schools are really going to set up their grading and what we do with this



information. We wanted to try and start answering questions now, but stay tuned because there's probably going to be more on this topic later.

Alison Monahan: Right. I think the first question both of us had is, a lot of schools are considering or have already voted that they're going to switch grading to pass/fail in some capacity. Is this a good thing or not?

Lee Burgess: Yeah. So this was interesting because I was doing research for this podcast this morning, and my first instinct was, of course it's a good thing. These people are stressed and they're in extreme situations, and it kind of levels the playing field and they're doing remote learning. I had this very gut reaction, like, "Of course." And then there are actually a few compelling arguments out there that made me question whether or not this was always the best thing. Like most things, it's not as clean-cut as it first seems. So, I think the goal that the law schools are having with switching to pass/fail is trying to create a cushion for students who may be struggling with the new remote format that the law schools are teaching in. And they're also worried about leveling the playing field for students who have children at home, who are homeschooling, who are taking care of other family members and maybe in a situation where they can't adequately study and perform.

Alison Monahan: Or people may themselves, or someone in their family may be getting sick.

Lee Burgess: Right, yes. Or they may be in a high-risk group and they're very concerned about getting sick and really have to limit what they can do. So, it's an additional level of stress and fear. Or even if you're in a community that's really hit hard by the virus, even if you're not sick yourself, there might be ramifications there about your movement, what you can do, how you can study, how you can do things. We don't know. I've heard reports that some areas, it's very hard to get reliable bandwidth because everybody is at home now using the Internet.

Alison Monahan: Yeah, I know. I actually saw an article recently about different cities were having drops of 30% to 40% in their speed just because everyone was using it.

Lee Burgess: Yeah, problems that we don't even know exist are starting to pop up. I think that's what the schools are trying to say, is, "Let's just remove this fear around grades. There's no way that we can figure out how to level this playing field, so hey, let's just say that this is a crazy time. Let's let students finish their coursework, get some sort of credit, and move on."

Alison Monahan: Right. Which I'm sympathetic, generally speaking, to that argument.

Lee Burgess: Yes, I am too. As I said, that was my first gut reaction. I think one of the things that was interesting to me was some of the arguments that were presented. I'm not saying I think they went out, but of why you may not want to be in this



pass/fail. So, we have heard from students that they are doing well academically this semester. They've made a lot of changes and they wanted to perform and they don't think they're going to be able to. I also read an article that was talking about the importance of students at lower ranked institutions, like T14 institutions, that grades are really how the students from those institutions differentiate themselves and get job opportunities and get publishing opportunities. Those class rankings and the grades that come from those classes are critically important to the next step in their legal career. And taking that away from them can hurt a student there that maybe it doesn't hurt a student at Harvard.

Alison Monahan: Sure, but it's one semester.

Lee Burgess: I still think it's a good thing. I was just raising the research that I did. I thought it was interesting.

Alison Monahan: It was interesting. The article you sent me, I'll be honest, I was a little like, "Seriously? Could we be any less sympathetic to the actual condition of the world right now?" But maybe we don't need to link to that one, because I don't really necessarily want that on the record that I just said that. But anyway, you can probably go figure some stuff out. The bulk of that article is basically like, "Suck it up, buttercup. People need to learn to deal." But I'm not sympathetic to that right now.

Lee Burgess: No. I think that one of the arguments that came out of that was saying that law students need to learn how to prevail in adverse conditions, and I think that is a ridiculous argument. These are not adverse conditions. The extreme nature of what our community is going through right now, I don't know that it compares to what most...

Alison Monahan: Well, I also just feel like that's basically everything in a nutshell that is wrong with the entire setup of the legal profession of like, "Oh, we have to pretend that we're not humans and that we don't have other things going on and we just have to suck it up." It's like, even courts are not operational right now. Are grades really that big of a problem right this second? I don't think so. If the courts can't function, maybe people could just get a pass.

Lee Burgess: Yeah, it's interesting. I think one of the other kind of poor arguments was, "Without grades, we can't identify as faculty who needs academic support and who needs academic help." But I'm pretty sure that through feedback, professors could still identify that class of people.

Alison Monahan: Yeah. They could basically know, "Okay, this is the person I would have given the worst grade in the class to. Maybe I could reach out to that person directly



and see if they need help." I don't know. Just a suggestion. I'm throwing it out there.

Lee Burgess: Throwing it out there. I think that this is a time for being very compassionate. And I agree. When I read that article, I hadn't even come up with very many counter arguments for it, other than I think...

Alison Monahan: There may be some.

Lee Burgess: I think that the best I'd heard was students saying, "But I would be at the top of that curve and I won't be able to be at the top of that curve." I get that. But yeah, most of it was a little harsh for the horrendous reality that we're all living through right now.

Alison Monahan: Right. And the reality also is that that reality is different depending on where people are living.

Lee Burgess: Yes, very true.

Alison Monahan: I mean, anyone who's in New York City right now is living a very different reality than someone who is in a different part of the country that maybe hasn't been so impacted by this yet.

Lee Burgess: Right. And as we said, in the Bay Area, we are multiple weeks into this shelter-at-home, definitely extreme social distancing. And family in the south, they don't even have shelter-in-place at home in most states.

Alison Monahan: Yeah. My mother is in North Carolina. I'm getting the stories. "The Walmart parking lot is full." I'm like, "Do not go there."

Lee Burgess: I know, right?

Alison Monahan: Like, "Please listen to me on this. Don't do it."

Lee Burgess: I know, exactly. I land on the opinion that I think that grades are the least of our concerns right now. I understand them wanting to finish the academic year in some way, but it seems that this kind of definitive approach may be the cleanest way to go. But of course because law schools can't do... It's like we've got to still muddy the water. I've read these articles. Okay, I see counterarguments but I think we should do pass/fail. And then you start to hear that there are schools doing all sorts of really strange things, so we thought we'd share some of them with you.

Alison Monahan: Which are kind of wacky, let's be honest.



- Lee Burgess: Some of them are wacky, okay. We're going to go from maybe least wacky to super wacky. So, there are also schools that are offering optional pass/fail grading. I think this is the trickiest one because then it really forces the students to try and decide if they should get real grades or not, and then I don't even fully understand how they would be able to deal with the curve as well, especially for 1L classes, so it seems very hard to implement. But a lot of students were not happy with this. In fact, this was the option that Harvard started with, even though they don't do typical grades in their 1L classes. But then they were like, "Okay, never mind. We'll just do pass/fail."
- Alison Monahan: Yeah. Then also I've heard of the option that you can switch to pass/fail after you see your grades, or maybe you have to decide before, so those are also different. I mean, it sounds very confusing.
- Lee Burgess: It's really hard based on your own situation – going back to what we were talking about, of somebody who has small children that they're now responsible, has a partner who's a first responder or a medical professional.
- Alison Monahan: Or both, as someone who wrote to us did.
- Lee Burgess: Right, or both. Someone who is caring for a sick family member; somebody who's sick themselves. I think that it's forcing a really difficult choice on a population that is already going to be very strained.
- Alison Monahan: And also, when do you have to make that choice? Things may look very different a month from now in various places. People can't know at this point how they're going to be impacted when they have exams. That's weeks from now. We can't even say what's going to happen basically tomorrow.
- Lee Burgess: Right. That's why we put the date on this. We never put dates on podcast. This is the first time.
- Alison Monahan: Never. We were like, "We should probably say when we're talking about this, because things might look really different in a week when it's released."
- Lee Burgess: Right, exactly. So, I do think that if your school is doing this option, it would be interesting if there is still pushback and dialogue around it or if they've made this final decision. But I think you really have to look at your own personal situation and the information that you have, and find out when you have to make this decision. Because I am a risk-averse person, if I was one of those folks who had more responsibilities at home, taking care of lots of other people, whatever might come up – I would probably take that pass/fail option just in case.



- Alison Monahan: Right. And also just because it lets you move on basically with your life. Yeah, you still have to study but you have other things to do.
- Lee Burgess: Yeah. So then comes I think the kookiest of all of them. And I hadn't read about this until today, although I know it was circulating. Apparently, [Arizona State Law School is offering post-grading applications to convert to pass/fail](#). But I just thought I would actually read the whole thing. If you haven't read it yet, I found this on [Above the Law](#), and it was one of those things I had to read multiple times because you just didn't believe it. So, students whose calculated Spring 2020 GPA is less than their cumulative GPA, and who submit a post-grading request for pass/fail accommodation will be subject to the following procedures: Students must articulate how COVID-19 adversely affected their ability to succeed in their coursework. In cases where students have suffered a significant downward departure in their Spring 2020 GPA from their cumulative GPA – and then they give percentages – students should expect a lower standard of review. In cases with a smaller downward departure – and they give percentages – students should expect a higher standard of review. And if this accommodation is granted, then all of your grades for Spring 2020 will be converted to pass/fail. I mean, only lawyers could come up with this.
- Alison Monahan: There's so much weird stuff going on in here.
- Lee Burgess: It is so weird. I mean, there are so many things that are wrong with this plan. First of all, the amount of private information, including possible medical information of you or people close to you that you would have to divulge, is really inappropriate.
- Alison Monahan: Yeah. I'm not even sure how this would qualify under various privacy laws or the ADA. I mean, pick your law. I don't really think it's a great idea.
- Lee Burgess: No. Not to mention the fact that if you are in a category of student who is under so much stress from one thing or another that your grades plummeted because of COVID-19, the last thing you need to do is write an essay on it.
- Alison Monahan: Right, and go do interviews. The whole thing seems nuts.
- Lee Burgess: I know, the whole thing seems nuts. The whole goal here is to kind of protect a population and your student body. It does not feel like they're protecting you. It feels a little bit more like they're throwing you under the bus because they're saying, "Well, you have so much other stuff going on that you underperform, so now you have to overperform."
- Alison Monahan: "Now you have to prove to us that you underperform for this reason." I don't know if you read carefully the California Tax Abatement or Postponement Rule, but in that it said something along the lines of, tax payers who can show that



they are impacted by COVID-19, blah, blah, blah, don't have to pay. So of course, being a lawyer, all my lawyer friends freaked out and reached out to our CPA being like, "What does this mean?" And basically the state came back and said, "We're going to assume every taxpayer in the state is negatively impacted. Next question. You don't have to show us."

Lee Burgess: "We're not like adjudicating..."

Alison Monahan: Yeah, but that's kind of what it made it sound like. At first, you're like, "Oh my God. What do we have to show? Do I have to provide whatever?" And they're like, "No, you're all impacted." And I think that's kind of the point here – everyone is impacted in some way. And for a panel of people to have to sit there and decide if you're sufficiently impacted... And also the whole, "If it only impacts you a little bit, we're not concerned about it", I think is crazy. This is a crazy, crazy thing to do.

Lee Burgess: It's so crazy. I kind of thought it was a joke when I read it, and then I realized it was not a joke. So, for those of you at Arizona State, I would maybe write a letter, petition. It'd be interesting to see if this is what it ends up being at the end of the semester. But there seems to be a whole lot of concerns that need to be addressed.

Alison Monahan: Yeah, I feel like... I don't know. For me, I'm just like "Can't we just treat people like they're grownups?" If someone comes and they say, "Look, I need this accommodation for this reason" – can't we just be like, "You know what? okay." Is the world going to end at that point because somebody gets one out of six semesters, they get pass/fail? Really? Is it that big of a deal?

Lee Burgess: I know. I think people might be worrying about the wrong things.

Alison Monahan: I feel like it's projecting our anxiety on to something else. Maybe someone is going to try to cheat the system and not study for their Torts finals. It's like, "Maybe they do."

Lee Burgess: That one person or somebody who's not up biting their nails at night because they're reading the news and worried about people they care about. Yeah. So, I don't think that's the way to go for fairness. And then there are some schools that are just going on with traditional grading. The University of Chicago...

Alison Monahan: Of course.

Lee Burgess: It had a lot of blowback on this, but they have their own reasoning for why they want to keep their grades.

Alison Monahan: That reason being, "We're Chicago."



- Lee Burgess: "We are Chicago and we will do it our own way." And then the University of Georgia School of Law has claimed that the overall university system is blocking any changes. And Kemp, who's the governor of Georgia – if people remember, ran against Stacey Abrams – he's basically saying they won't shut down. They haven't done a big shelter-in-place in Georgia. Counties are having to take actions because the state won't take action. So they're like, "Maybe it's believable that the university system won't allow it." But apparently, [the University of Georgia told the students not to go to the media to talk about it.](#)
- Alison Monahan: Yeah. That was likely to work.
- Lee Burgess: Who does that? "But you don't be mad at us and please don't tattle on us to the media." Because you tell it to a whole bunch of law students and they're all going to go immediately email Above the Law. I mean, that's what people do.
- Alison Monahan: Yeah. It's also ironic, because I read that some county in Georgia apparently has one of the worst rates of anywhere in the country.
- Lee Burgess: Like Athena or something like that.
- Alison Monahan: Something, Albany.
- Lee Burgess: Maybe Athens.
- Alison Monahan: I don't think it was Athens. It was somewhere in the middle. Albany, I don't know. Anyway, point being, they have problems too.
- Lee Burgess: Exactly. And it's likely that their students are suffering. So, schools telling their students not to talk about what's going on – also not compassionate, not really being helpful.
- Alison Monahan: And ultimately counterproductive, because now we're talking about you. Sorry.
- Lee Burgess: Right. Sorry. Not looking real great for you, University of Georgia. Okay, so that's kind of what's happening that I could find as of this morning on the landscape around the country. It does seem that most schools are going to move to the strict pass/fail. So then, what are the consequences? I think that's what a lot of people aren't sure about. People are worried about the job hunt and what that's going to mean for your grades. And I think that the OCI process and all that will adapt. I mean, they're going to have to adapt.
- Alison Monahan: Yeah. I've seen speculation maybe they wait another semester and do it later. Who knows? That's a slow-moving ship, so it's going to be pretty hard to turn that one around. But we'll see. I think it was Seth Godin who had a post about



this. He's like, "Yeah, things will be different and we'll figure it out." That's about all you can say right now.

Lee Burgess: Yeah, it's so true. It's like 9/11, but continues to happen.

Alison Monahan: Yeah, basically.

Lee Burgess: For those of you on this podcast who don't remember 9/11, you may not know what we're talking about.

Alison Monahan: I'm sure they know.

Lee Burgess: Well, they know.

Alison Monahan: They're aware it happened, but yeah.

Lee Burgess: They're aware it happened. We were grownups when 9/11 happened.

Alison Monahan: Yeah.

Lee Burgess: Okay. So, the job hunt, people are going to have to figure it out. The recruiters are going to figure out how they want to interview applicants. They might look at their timelines, they might accept other grades. I think the reality is that it's going to influence everybody. The OCI process may pivot. But then if all of these schools shift to pass/fail, then that's what everybody's transcripts look like. I think you can't think that your transcript is going to make you a special snowflake and make it impossible for you to get a job.

Alison Monahan: No. It just means people were basically being judged more on their first semester grades, which it is what it is. The other factor which we've discussed on a different [podcast](#) – not you and I, but Sadie and I – is, I can't imagine a lot of these firms are going to be super eager to take on a ton of summer associates right now anyway. But go listen to that podcast if you want to hear our opinions around that. So, things are going to be shifting. Obviously, you can't raise your GPA if you can't get grades – that is what it is.

Lee Burgess: Right, and that is unfortunate. It is what it is. Everyone is in the same boat, but yes, that is what it is. You will have more semesters. Hopefully, things will return to some version of normal, whatever that new normal is, in the fall, and then you can get grades in the fall. Again, you made the good point it's one of six semesters. You might have to delay raising that GPA and that's just one of the many losses that people are going to get. Just like they were saying about our taxes – everyone's negatively affected. It's just what your individual negative effects are going to be.



- Alison Monahan: Yeah. I think potentially this could have an impact on Law Review and journal applications, things like that. Again, people are going to have to figure it out. Maybe they put more weight on your writing sample, something like that. Or maybe they just look at those first semester grades. Sorry if you didn't do well.
- Lee Burgess: Yeah. I think transfer applicants are wondering. We got somebody writing in to us about transfer applications. Usually they make decisions based mostly on those first semester grades because of how long it can take to get those second semester grades. But again, the schools are just going to make decisions based on the information that they have. If you have a great application, I don't know that pass/fail is going to mean you're not going to get into your transfer school.
- Alison Monahan: I think anyone who's really thinking seriously about transferring at this point is basing that on their first semester grades. This can actually end up being a good thing for you, because you did really well first semester; now you don't really have to worry about it as much. Just apply with your first semester grades, and most likely you'll get in anywhere you would have gotten it with your second ones.
- Lee Burgess: Yeah. So, I think the big thing is, we just need law schools to make these choices now and don't waver, don't do what Harvard did – pick one direction and then they go to another direction. That is just so confusing. And I think in this time, where so many things are out of our control, many people who are lawyers and law students who like to control things are really struggling with the ambiguity or uncertainty. And I think that the best thing that schools can do is pick a direction and stay with it, so that students can acclimate to that reality and get ready for these exams.
- Alison Monahan: I think that's right. I mean, even the bar is basically doing this. They're saying, "We're going to announce a decision as of this date." It's like okay, great. Now everyone can basically stop worrying about that for the moment. Schools just need to be like, "You know what? We've decided to do X, and this is what we're doing, deal with it."
- Lee Burgess: Right. And maybe a lot of law professors shouldn't write op-eds about it once the decisions are made, because the decisions are made.
- Alison Monahan: Just saying.
- Lee Burgess: Just saying.
- Alison Monahan: It might not be the best use of anyone's time to write or read that.
- Lee Burgess: Yeah. Kind of like I don't need to be sent one more article on all the beautiful things I'm supposed to be doing as a parent.



- Alison Monahan: Reminding you how much free time you have.
- Lee Burgess: Free time, and just that "These are the times where we need to make sure that we are not responding to things on our phones and not doing this, not doing that."
- Alison Monahan: As if.
- Lee Burgess: I was reading this article and I was like, first of all, I'm getting news alerts. I don't even get news alerts on my phone. I've taken those out years ago. But I get like, we call them Nixle or whatever – the emergency alerts. I get those to my Apple Watch, whatever; they come in. And also, I was like, "I am also helping run this business. I am also the president of a non-profit board that is trying to stay afloat. I am also a parent to two small children who I'm trying to keep happy and healthy. And family members that we're trying to support and keep happy and healthy." Like, come on. It is not a time for me to develop new self-care routines and become an ideal homeschooling parent. There's a lot of messaging around that right now, and it's really hard to... I need to not read it. That's my own self-editing. But sometimes it sucks you in and then it feels judgmental as you go.
- Alison Monahan: No. I just really love that, "Everyone has spare time while you're hanging out at home." I'm like, "Who are these people?" I don't even have children but I'm going over to several times a week to try to keep my nephew alive, and running errands for friends who don't have cars or can't leave. I'm just like, "Who are these people sitting at home doing nothing? I don't know."
- Lee Burgess: I know. I mean, we are as a community all trying to keep everyone put together so we can ride this out. But also, sheltering-in-place and taking care of ourselves.
- Alison Monahan: Yeah. Anyway, that's slightly off-topic.
- Lee Burgess: Slightly off-topic. Just so you know, we're all struggling. Before we wind up this podcast, I did want to touch on a few specific listener questions that had come in that I thought were interesting. One was kind of how you stay motivated when you aren't fighting for that spot on the curve. And I thought this is a very honest question, because I think the intensity of the curve does motivate a lot of people.
- Alison Monahan: Yeah, so that's external motivation. Hopefully you have some type of internal motivation that's also motivating you, because this is the time you need to draw on that. I mean, a) you've got to make sure you pass, so you've got to work at least sufficiently hard to do that. But this is a time to really focus on these other reasons that you're doing this. Why are you in law school? What motivated you



to do this? Why are you taking these classes if they're classes you got to choose?

Lee Burgess: Right.

Alison Monahan: How does studying this semester help you reach these goals? There are a lot of reasons that you might want to study for your class, hopefully besides just the prospect that you might do well in it.

Lee Burgess: Yeah. And I think that if you're a 1L, you're going to revisit all this material when you're studying for the bar, so that's another motivation. You're still working on developing relationships with professors. I know that a lot of professors are doing FaceTime office hours or Zoom meetings or are really trying to still engage with students. This can be a great opportunity to engage with your professors in a different way, because you may need letters of recommendation down the road. If you have a paper class, you might be working on writing samples. There are so many reasons other than just a one-letter grade that you want to be successful, beyond just being good at what you do and you want to be a lawyer and be licensed and be able to do good in the world. I did see one thing that I was reading today, which I thought was true, and it said in the aftermath of all of this, there are going to need to be a lot of good lawyers to help us sort out what happens now. What happens in the justice system now that things have kind of ground to a halt? What happens to keep prisoners safe? What happens as different kinds of restrictions and different kinds of benefits and different kinds of... There's a bunch happening in California around evictions, and now they're not going to be able to evict anybody for not paying rent for a period of time. There are going to be legal issues up the wazoo that need really smart, talented people to help us figure out this new reality. There are so many good reasons to become a lawyer right now. If nothing else, maybe just keep laying the groundwork that you can be part of figuring out what this new world feels like.

Alison Monahan: Yeah. I almost think it's kind of sad if people are like, "I can't be bothered to study if I don't have the possibility of making an A-." It's just like, is that really your actual motivation? Because if that is, I'm not sure that you should continue in law school.

Lee Burgess: Yeah. I think the other thing is – and I've seen this with other friends in Europe – they have much more intense restrictions on movement than they do even in California and the Bay Area. A lot of my friends live alone and are kind of living a very strange alone life, where they're not leaving their house for seven days because they have to have a permission slip and they don't have a printer, so they have to handwrite out a permission slip. I mean, it's very strange. It's very extreme. But I think that you have people in those situations who are acclimating and then finding that they are working on projects or getting into



something. I think once the shock of some of the situation can wear off, although I think it will ebb and flow – you can refocus and say, "Okay, the thing that I can be productive at is working on law school, because law school kind of makes sense and the world does not make sense."

Alison Monahan: Yeah. It's a very like confined box of like, "Alright, I just have to sit down and learn this topic. I can do that. Great. It gives me something to do all day long." I think grades can be a motivation for people, but also, the whole thing in law school is you don't really control your grades in the end anyway. It's on a curve. What we always say to people anyway is, you only control your input, you don't control the output. I think even more so, think about why are you doing this and what are your goals and what are you willing to put into it? And for different people in different scenarios that might look really different, and that's totally fine.

Lee Burgess: Yeah, that's a really good point. Sometimes we ask our students when they're studying for the bar or when they're really struggling to write letters to themselves, about why they chose this path or what's important about being a lawyer. That way they can read it when they have moments that are crisis of faith. It's an interesting exercise that's also something simple, free that you can do while staying home. Alright, one more question before we wind up that was sent in by a listener was that there are rules around accreditation and the number of pass/fail classes that schools can have, and there are some schools that are not ABA accredited who are on that borderline of maybe losing state accreditation. So, somebody wrote in and said, "Do you think that this will cause my school to lose accreditation?" I really doubt it.

Alison Monahan: I thought it was a really interesting question. It's not something that occurred to me but I was like, "There's no way this is going to happen."

Lee Burgess: No. I think not at all. I think that there might be ramifications for schools as far as losing student populations, losing money. There might be other problems, but I don't think this is one of them. The ABA and I know in California, state accreditation is a big thing. The California bar does not want to go close a bunch of law schools over this.

Alison Monahan: Again, one semester of pass/fail grade, suddenly you have to not graduate your class? That's not going to happen. That is in nobody's interest, basically.

Lee Burgess: No. And I think it's also just very important to think long-term. Down the road, 10 years from now in your career, you may be talking about this very weird time: "Where were you in the spring of 2020?" But people are not going to be like, "Did your school have pass/fail grades? What happened to your school?" That's not what anyone's going to be talking to about professionally. At that point you will have graduated, you will have passed the bar, you will be



practicing. This will be part of your story, but it's not going to be a defining moment in your story. And I think as much as you can kind of hold that, that will help you get through this.

Alison Monahan: Yeah. Also, none of this is anyone's fault.

Lee Burgess: No.

Alison Monahan: I mean, it's not like you had any control really over what your school decided to do. Even if you personally decide to opt for pass/fail over a grade, a) nobody is going to probably ever even notice that or know that; and if they did, you're like, "Yeah, I was in a situation where that made sense for me. Next question."

Lee Burgess: Yeah. So, other than telling everyone to hang in there on this wild ride, do you have any other thoughts about this before we wind up?

Alison Monahan: I think people will just have to try to keep perspective. I think sometimes I've seen this with a number of people that I know – it's kind of easy to transfer anxiety to a certain very specific type of thing, and that thing is very identifiable. And so, that can become tempting if you're just so obsessed about this topic of, "My school is doing this or not doing this." You've got to take a step back and be like, "This is happening, this is what it is. I just need to take a deep breath and move on, and do something more productive." Because it can get really easy, I think, to spiral into that anxiety around these very specific topics.

Lee Burgess: I think that's true. I was talking on the phone to a friend who is a school teacher in Chicago, a good friend of mine, and I was asking him how the transition had been because he had to move all of his curriculum online. And he said, "Oh, doesn't everyone want to learn how to teach an online course, and draft it, and figure out how to do everything in three days? Because I had three days' notice." And I will say that putting it that way, you and I have developed a lot of online content. We teach online, we do virtual tutoring, we have created online content for almost a decade now. We have learned a lot of painful lessons in that process.

Alison Monahan: Yeah. It's ugly when you start.

Lee Burgess: It's not pretty, and I think that what we all need to somewhat try and do, including myself, is to have compassion for the people who are trying to change quickly. And law schools and law professors don't like change. Don't like change.

Alison Monahan: Right. And also the way that law schools traditionally have been taught is not really conducive to an online experience, even more so than other, for example, undergraduate classes where people might be lecturing. That lends itself more to just sit in your office and lecture. That's not really how law schools function.



- Lee Burgess: Right. And so, there might be a sense of loss by the student over that too, and that's okay. I think it's a time to think about what you're missing and see if you can create it in a different scenario, like a conversation with your professor, or a study group where you can dialogue about things, or whatever it might be. This is not going to be a perfect translation of the classroom, but you still have to own the process and get the most out of it as you can.
- Alison Monahan: Right, and I think focus your time on figuring those type of things out, rather than obsessing over you're not going to be able to get a grade.
- Lee Burgess: Yeah, it's a good point. We all have to check our obsessions. I mean, I definitely had my moments where I am like super angry about things.
- Alison Monahan: I spent 30 minutes yesterday trying to figure out which dishwashing liquid pods to order on Amazon. I mean, there's a lot of calculation that goes into this, like, "When can I get them, should I get the mint flavor over the free and clear? Is that going to make my dishes smell? But it says it'll get here two days earlier." You can go crazy on a lot of things.
- Lee Burgess: You really can. I mean, we all have a lot of floating anxieties, so you just have to be careful about where you spend it.
- Alison Monahan: Just FYI, I still have an entire, I think, unopened package of these. I'm just planning ahead.
- Lee Burgess: Because you're a very good planner.
- Alison Monahan: No, because I literally basically had a panic attack when I realized I only had one bag left and I didn't know how long this is all going to last.
- Lee Burgess: That's true. And because we're home all the time, I'm running my dishwasher.
- Alison Monahan: Exactly. I run it like all the time now, because all I do is basically stress cook. We're in there with you, alright, is what we're saying.
- Lee Burgess: We're in there. It's imperfect. These are murky waters and we'll all just kind of muddle through together because there's no other option. But I found it very therapeutic to call some friends and talk to some people that I haven't talked to. In fact, I am going to leave this podcast to go to a virtual surprise birthday Zoom conference for a good friend's 40th birthday. He's also a lawyer. And we're making it work. So, take a deep breath and talk to a friend.
- Alison Monahan: And don't worry about if your school is going pass/fail or not.



- Lee Burgess: No, I know.
- Alison Monahan: Ultimately, it just really doesn't matter that much.
- Lee Burgess: It doesn't matter, I know. Alright, with that, since I have to get to my Zoom birthday party, we are out of time.
- Alison Monahan: You can't be late for the surprise party.
- Lee Burgess: I can't be late for the surprise party. If you enjoyed this episode of the Law School Toolbox podcast, please take a second to leave a review and rating on your favorite listening app. We'd really appreciate it. And be sure to subscribe so you don't miss anything. If you have any questions or comments, please don't hesitate to reach out to myself or Alison at lee@lawschooltoolbox.com or alison@lawschooltoolbox.com. Or you can always contact us via our website [contact form](#) at LawSchoolToolbox.com. Like we said, we're taking suggestions for what you guys would like to talk about, so please do write in. We're happy to hear what you're struggling with. Thanks for listening!
- Alison Monahan: Probably it's not your Amazon orders.
- Lee Burgess: Probably not, but you never know. I don't know that we can... Maybe Alison, we could do a podcast on what dishwashing liquid...
- Alison Monahan: Oh gosh, no.
- Lee Burgess: No. So, thanks for listening everybody! Please stay safe, social distance, and we'll talk to you soon!

RESOURCES:

- [Harvard Business Review: That Discomfort You're Feeling Is Grief Above the Law](#)
- [Law School Offers Pass/Fail But Only If You Tell Them A Good Enough Story About How COVID Hurt You](#)
- [When A Law School Says 'Don't Contact The Media,' You Should ABSOLUTELY Contact The Media](#)
- [How to Navigate a Law School Campus Closure](#)
- [Podcast Episode 236: Coping with COVID-19 in Law School](#)
- [Podcast Episode 239: Looking to History to Assess the Impact of COVID-19 on the Legal Job Market](#)