

## HELICOPTER PROFESSORS

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## INTRODUCTION

The tone surrounding the study and teaching of law has evolved over the last several decades. In lectures and in print, law professors have morphed from the solemn sages of the classroom<sup>1</sup> to the academic pep squad.<sup>2</sup> The perception of the law professor has changed from the grand inquisitor to the legal life coach.

The purpose of this article is not to lament the loss of rigor and serious tone in law schools. Rather, its goal is to identify and examine the changing expectations students have of their law professors and the concomitant temptations for professors to pander in an unhelpful way by chaperoning every step of the legal education experience. In the contemporary parenting lexicon, law professors have become helicopters.

Helicopter professors, like their parenting counterparts, hover over students, guiding them precisely, and swooping in to rescue them from any hint of failure or challenge. Just as helicopter parenting can be harmful to children, helicopter professoring poses similar threats to students, not the least of which is creating disengaged students dependent on professors for all aspects of their learning and development.

The instinct to be a helicopter professor is understandable in light of several social and cultural circumstances of today's legal education. First, law students today are largely Millennials who were helicoptered parented and educated in a system that often focused solely on test results. Second, law professors are at times overly focused on garnering positive student evaluation scores, which may be easier to do with a little extra spoon feeding. Professors too may themselves

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1. So, gentlemen, the prospect: the thicket of thorns. . . [Y]ou are to begin the disentanglement forthwith. . . Details, unnumbered, shifting, sharp, disordered, unchartable, jagged. And all of this that goes on in class but an excuse to start you on a wilderness of other matters that you need. The thicket presses in, the great hooked spikes rip clothes and hide and eyes. High sun, no path, no light, thirst and the thorns. – I fear there is no cure. No cure for law but more law. No vision save at the cost of plunging deeper. Men do say that if you stand these thousand vicious gaffs, if you fight through to the next bush, the gashing there brings sight.

KARL N. LLEWELLYN, *THE BRAMBLE BUSH: THE CLASSIC LECTURES ON THE LAW AND LAW SCHOOL* 112 (2008) (reprinting Llewellyn's original 1930 lecture).

2. The thing that often gets lost in that first day of law school, and often for many days afterward, is how smart and accomplished you are. You must be; unintelligent, incapable people simply don't get in to law schools these days. Just by virtue of the fact that you have been admitted to law school, you have already demonstrated that you're more than smart and capable enough to thrive there.

IAN GALLACHER, *COMING TO LAW SCHOOL: HOW TO PREPARE YOURSELF FOR THE NEXT THREE YEARS* 132 (2010).

be helicopter parents in their non-work hours, a behavioral pattern that too easily can infiltrate the classroom. Finally, law schools today are seeing a rise in students that have a consumerist attitude and in some cases lower academic credentials; those types of students expect and perhaps need additional assistance. But satisfying that need, combined with the focus on quantifying assessment practices and on improving teaching techniques, may easily cross the line into helicopter behavior.

This article, after detailing the factors that contribute to the helicopter professoring phenomenon, provides a theoretical framework for understanding helicoptering behavior as well as guidance for avoiding the negative manifestations of such behavior. Looking to parenting literature and advice rendered about how to not be a helicopter parent, this article outlines a teaching style to help professors be responsive to students' needs, maintain high expectations of their students, and yet avoid the harmful helicoptering behavior that can stunt individual learning and development. Offering practical suggestions and also ways to navigate the contemporary law school environment, this article seeks to encourage professors to be authoritative educators who help develop internally-motivated learners who become successful, self-sufficient attorneys.<sup>3</sup>

To that end, Part I of this article defines helicopter professoring, acknowledging some of the benefits that may accrue but also elucidating the harms caused by such behavior. The next sections identify some of the contextual causes of helicopter professor behavior: Part II addresses unique characteristics of contemporary law students; Part III turns the mirror inward and looks at today's law school professors; and Part IV discusses the institutional environment in which law professors work and law students learn. Part V provides both a theoretical taxonomy of helicoptering and practical suggestions for applying that theory to professorial life.

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3. One caveat: this article is filled with over-generalizations. Not all professors, not all students, not all parents can be lumped into one category and treated exactly the same. Interview by Andrew Hibel with Berlin Fang, Dir. of Instructional Design, Abilene Christian Univ., *Don't Be a Helicopter Professor: How to Free Your Students and Yourself*, HIGHEREDCAREERS, <https://www.higheredjobs.com/HigherEdCareers/interviews.cfm?ID=753> (last visited Oct. 16, 2017) [hereinafter *Don't Be a Helicopter Professor*] (counseling against the tendency to "see professors in monolithic blocks, rather than discerning the unique challenges they have and strengths they bring"). I use terms like "helicopter professor," "helicopter parent," and "Millennial" to describe a phenomenon that appears in research or in my own observations for the purposes of discussing the general characteristics of some of the actors involved in legal education today. As with many things in education, or in life generally, no one set of labels or prescriptions applies uniformly to all people. My hope is that this discussion will be useful to you at least in part where you may see yourself or some of your behaviors in the experiences of others.

## I. HELICOPTER PROFESSORS

A helicopter professor, much like its namesake the helicopter parent,<sup>4</sup> is one who micromanages or coddles students in a variety of ways.<sup>5</sup> A helicopter professor, for example, might utilize primarily short, structured assignments, providing liberal hints and instant feedback.<sup>6</sup> A helicopter professor might be “on call” and available to students at all hours of the day or night, well beyond stated office hours.<sup>7</sup> A helicopter professor might provide step-by-step “accident-proof” instructions and templates,<sup>8</sup> designed to avoid confusion and ambiguity.<sup>9</sup> A helicopter professor might distribute a detailed rubric for each assignment.<sup>10</sup> A helicopter professor might do things for students that students can and should do for themselves, like keeping track of deadlines or speaking to an outside professional.<sup>11</sup>

Taken alone, none of these actions is particularly egregious or problematic. So, let me be clear: helicopter professoring is not using structured assignments or being available to students outside of office hours or providing an assessment rubric. For purposes of this article, a helicopter professor is one who does those (and other similar) things to an extreme, providing “excessive guidance”<sup>12</sup> which results in “suffocating control-freakery”<sup>13</sup> that hinders students’ learning. It is the professor who hovers over students, ready to rescue them from failure before they have had a chance to struggle on their own.<sup>14</sup> It is the professor who is uncomfortable allowing students the time and space to explore their own ideas,

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4. For a thorough discussion of helicopter parents, see discussion *infra* Part II.B.

5. See *Don’t Be a Helicopter Professor*, *supra* note 3.

6. Colin Foster, *Beware the Rise of Helicopter Teachers*, TES (Jan. 18, 2008), <https://www.tes.com/news/tes-archive/tes-publication/beware-rise-helicopter-teachers>.

7. Steven Conn, *The Rise of the Helicopter Teacher*, THE CHRON. OF HIGHER EDUC. (Aug. 5, 2014), <http://www.chronicle.com/blogs/conversation/2014/08/05/the-rise-of-the-helicopter-teacher/>.

8. See *Don’t Be a Helicopter Professor*, *supra* note 3 (Acknowledging a helicopter professor may create “too many sub-steps for students to complete a task, not trusting students to do the right thing.”).

9. Jennifer Trainor, *Helicopter Teaching and the Challenge of Myth Rules*, STAN. GRAD. SCH. OF ED: CHALLENGESUCCESS BLOG (Jan. 30, 2009), <http://www.challengesuccess.org/blog/helicopter-teaching-and-the-challenge-of-mythrules-by-jennifer-trainor/>.

10. Conn, *supra* note 7.

11. See, e.g., Alison Green, *It’s Not Just Helicopter Parents—It’s Helicopter Professors Too*, ASKAMANAGER.ORG (May 21, 2014), <http://www.askamanager.org/2014/05/its-not-just-helicopter-parents-its-helicopter-professors-too.html>.

12. *Don’t Be a Helicopter Professor*, *supra* note 3.

13. Foster, *supra* note 6.

14. *Id.*

take their own chances—even if they fail, or grapple with confusing topics until they can ask and answer their own questions.<sup>15</sup>

Law school is designed to teach students the critical thinking and problem-solving skills necessary to be a successful practicing attorney. A helicopter professor, in short, is one who denies or hinders students from developing those vital skills.<sup>16</sup>

As a general rule, and just like helicopter parenting behavior,<sup>17</sup> the desire to be a helicopter professor has altruistic motivations—the desire to help students, to comfort, assist, and encourage them, and to get them successfully through the semester.<sup>18</sup> And like helicopter parenting,<sup>19</sup> it reaps some benefits.<sup>20</sup> Helicoptering is a way of engaging students.<sup>21</sup> Extending leniency on student deadlines or reminding students of assignments can in fact empower students and help them reach their goals,<sup>22</sup> reassuring students that they are not alone in the learning process.<sup>23</sup> Providing details about the mechanics of a particular task can allow students to focus their efforts on constructive approaches, and to avoid unnecessary complication or confusion.<sup>24</sup>

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15. *Id.* (opining helicopter professors “feel they cannot take the chance of allowing pupils the space necessary to explore ideas, form their own conclusions, and ask and answer their own questions. They’d like to indulge that luxury, but the risks are too great—it might interfere with the relentless march of ‘progress.’”).

16. *See Conn, supra* note 7.

17. *See infra* notes 73–74 and accompanying text.

18. *Don’t Be a Helicopter Professor, supra* note 3 (“For faculty members, this method is often intended to help students do the best in their learning. Guiding students when there is a difficulty help bridge the gap between students who have ‘got it’ and those who have not.”).

19. *See infra* notes 75–76 and accompanying text.

20. *See Don’t Be a Helicopter Professor, supra* note 3 (acknowledging “being a helicopter professor is much better than being an [sic] hiding professor, a professor who goes into hiding after class, a professor who does not even care about student learning.”).

21. *See Barry Thomas, Helicopter Professor and Proud!, EVOLLUTION* (Aug. 2, 2016), <http://evollution.com/programming/teaching-and-learning/helicopter-professor-and-proud/> (“If institutions aspire to be student-centered, then I see the helicopter professors as an integral tool toward their success.”).

22. *See id.* (noting “[m]any adult learners have a history of being focused and dedicated to their college programs. They invest themselves to the max and a gentle reminder (or two) will not negate the adult learners’ accountability for their performances and their firm dedication in completing their programs.”).

23. *Don’t Be a Helicopter Professor, supra* note 3.

24. Trainor, *supra* note 9; Taymara Tait & Kristin Whitman, *Helicopter Teachers Help, Hinder Students*, THE SPECTATOR (Oct. 2, 2014), <http://www.vsuspectator.com/2014/10/02/helicopter-teachers-help-hinder-students/> (“A helicopter approach . . . [is] amazingly helpful. . . . By giving out rubrics and syllabi, professors receive fewer questions, fewer emails and fewer phone calls. . . . A rubric is not a way of holding someone’s hand

But also like helicopter parenting,<sup>25</sup> the negative consequences of helicopter professoring are vast. Over involvement in students' learning processes prevents them from developing autonomy in their learning experience and encourages them instead to rely on others to an unhealthy degree.<sup>26</sup> In school, they may become dependent on professors for some basic habits of successful, self-directed learners, including efficient time-management, a willingness to struggle with challenging material, and resourcefulness.<sup>27</sup> "[I]f we walk students through every step [of an assignment,] we send a strong message about [the assignment] and about learning in general: namely that it is a direction-following game, that the answers reside with the teacher, who will walk you through the steps to the puzzle until you arrive at the right answer."<sup>28</sup> This level of helicoptering encourages students to merely "do school, to go through the motions without really learning."<sup>29</sup>

Some level of difficulty and struggle is necessary and even desirable as part of the learning process.<sup>30</sup> Helicopter professors inadvertently deprive students of the joy of learning that comes in the discovery process.<sup>31</sup> Instead, they convert helpful scaffolds into "new forms of crutches" that hinder students' learning.<sup>32</sup>

Students who are helicoptered in the classroom may complete a particular course of study "without much of a sense of how to work on their own or think for themselves."<sup>33</sup> They develop an unrealistic idea of what it means to learn something, to work at a particular task for themselves, or to find a way out of a

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through an assignment or term paper and a syllabus is not a bottle to feed to a baby on how to write, articulate or craft a paper.").

25. See *infra* notes 77–83 and accompanying text.

26. Foster, *supra* note 6 (acknowledging helicopter professoring "might seem helpful at the time, but it is destructive long term. It fosters an unhealthy dependency on the teacher and makes it impossible for learners to develop autonomy.").

27. *Don't Be a Helicopter Professor*, *supra* note 3.

28. Trainor, *supra* note 9.

29. *Id.*

30. See *Don't Be a Helicopter Professor*, *supra* note 3 (recognizing "[d]ebilitating difficulty (students lack the prerequisite skills) and undesirable difficulty (in technology use, course design) should be discouraged, but some difficulties are desirable and necessary for learning to happen.").

31. See, e.g., Jeremiah A. Ho, *Function, Form, and Strawberries: Subverting Langdell*, 64 J. LEGAL EDUC. 656, 680 (2015) (noting "discovery engages students to prod their sense of curiosity for learning something new."); *Don't Be a Helicopter Professor*, *supra* note 3 (recognizing "[d]iscovery is lost when professors come too soon to help.").

32. Berlin Fang, *How to Avoid Being a Helicopter Professor*, FAC. FOCUS (June 8, 2015), <http://www.facultyfocus.com/articles/teaching-careers/how-to-avoid-being-a-helicopter-professor/>.

33. Conn, *supra* note 7.

particular educational morass.<sup>34</sup> Helicopter professors give students little room to develop or take responsibility for their learning and their lives.<sup>35</sup>

The stunted cognitive growth that helicopter professoring may cause leads to future problems when students enter the workplace.<sup>36</sup> Employers will likely have very different expectations of students and may be far less likely to helicopter them on the job.<sup>37</sup> Arguably, this is uniquely problematic in the legal field where the primary value a lawyer, even a new lawyer, brings to a task is independent problem solving and creative thinking.<sup>38</sup> Furthermore, when every newly minted lawyer can, at least in theory, hang a shingle and have essentially no supervision, helicoptering law students can have more serious implications to the public than in many other areas of education.

Finally, from the professor's perspective, helicoptering can be simply exhausting. It takes a lot of time to hold students' hands through assignments; constant hovering creates unnecessary work and arguably makes the professor far less effective.<sup>39</sup>

The next sections attempt to piece together some of the factors that may contribute to or exacerbate a tendency to be a helicopter professor, despite the disadvantages of such behavior.

## II. TODAY'S LAW SCHOOL STUDENTS

The unique body of students in law schools today presents a variety of teaching challenges. They are largely Millennials who have been helicopter parented and educated in an environment that often focused solely on preparing students to demonstrate proficiency on standardized exams. This section describes current law students' generational characteristics, including the parenting style many have experienced, and the state of primary and secondary education that brought them to the doors of the law school.

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34. Foster, *supra* note 6 (noting "there is a time for standing back and letting learners get themselves into—and out of—a mess. Avoiding such valuable experiences means young people will leave school with an unrealistic idea of what it is to work at anything for themselves.").

35. Tait & Whitman, *supra* note 24.

36. See generally Marcia Sirota, *Helicopter Parents Are Raising Unemployable Children*, HUFFINGTON POST (May 2, 2017), [http://www.huffingtonpost.ca/marcia-sirota/helicopter-parents-employment\\_b\\_16329884.html](http://www.huffingtonpost.ca/marcia-sirota/helicopter-parents-employment_b_16329884.html) (noting the relationship between helicopter behavior and the difficulties Millennials are facing in the workplace).

37. See *id.*

38. See Janet Weinstein & Linda Morton, *Stuck in a Rut: The Role of Creative Thinking in Problem Solving and Legal Education*, 9 CLINICAL L. REV. 835, 835–36 (2003).

39. *Don't Be a Helicopter Professor*, *supra* note 3.

### A. *Generational Characteristics*

Since the mid-2000s,<sup>40</sup> law schools have been educating primarily members of the Millennial Generation, also known as Generation Y.<sup>41</sup> Millennials will continue to filter through law schools for the next five to ten years, and they will be followed by members of Generation Z, also known as iGen or the Centennials.<sup>42</sup>

Millennials, as a generation, share seven basic characteristics: they are “special, sheltered, confident, team-oriented, conventional, pressured, and high-achieving.”<sup>43</sup> Although research on Generation Z is less developed, it seems clear that many of these same cultural markers from the Millennials “have continued and are magnified” in the subsequent generation.<sup>44</sup> Millennials are digital natives, having developed an aptitude and use for technology unparalleled by prior generations.<sup>45</sup> The same is true for Generation Z, as is perhaps obvious by the iGen moniker that group also has.<sup>46</sup> The availability of technological advances also created a generation of multitaskers who want information immediately, who quickly switch to a different source for information, and who

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40. See Susan Stuart & Ruth Vance, *Bringing a Knife to the Gunfight: The Academically Underprepared Law Student & Legal Education Reform*, 48 VAL. U. L. REV. 41, 61 (2013) (noting “the Millennial Generation started law school in 2004 and will fill the majority of law school classrooms for the next fifteen to twenty years.”); Susan Daicoff, *Working with Millennials in the Law*, ARIZ. ATT’Y. June 2014, at 16, 20 (2014) (indicating Millennials began to enter law school around 2007).

41. Although the precise dates of generations can vary, the Center for Generational Kinetics defines the Millennial Generation (Gen Y), as those children born between 1977 and 1996. *How to Determine Generational Birth Years*, THE CENTER FOR GENERATIONAL KINETICS (Nov. 28, 2016), [http://genhq.com/generational\\_birth\\_years/](http://genhq.com/generational_birth_years/).

42. Generation Z children were born after 1996. *Id.*; *Meet Gen Z, aka iGen: The Generation After Millennials*, THE CENTER FOR GENERATIONAL KINETICS, <http://genhq.com/igen/> (last visited Aug. 30, 2017) [hereinafter *Meet Gen Z*]; see also Mary Ann Becker, *Understanding the Tethered Generation: Net Gens Come to Law School*, 53 DUQ. L. REV. 9, 10 (2015) (defining the post-Millennial Generation as “‘Net Gens,’ born at the earliest in 1994.”); Heidi K. Brown, *The Emotionally Intelligent Law Professor: A Lesson from the Breakfast Club*, 36 U. ARK. LITTLE ROCK L. REV. 273, 290 (2014).

43. Jason S. Palmer, “*The Millennials are Coming!*”: *Improving Self-Efficacy in Law Students Through Universal Design in Learning*, 63 CLEV. ST. L. REV. 675, 680 (2015).

44. Becker, *supra* note 42, at 17.

45. Shailini Jandial George, *Teaching the Smartphone Generation: How Cognitive Science Can Improve Learning in Law School*, 66 ME. L. REV. 163, 167-68 (2013); Kari Mercer Dalton, *Bridging the Digital Divide and Guiding the Millennial Generation’s Research and Analysis*, 18 BARRY L. REV. 167, 167-68 (2012).

46. *Meet Gen Z*, *supra* note 42 (stating Generation Z is “already the most influential group of technology trendsetters” compared to earlier generations).

stay connected with each other nearly constantly—even while working on other projects.<sup>47</sup>

Related to education specifically, today's law students are confident in their abilities and optimistic about making the world a better place.<sup>48</sup> They are ambitious and often set high, but unrealistic, goals for themselves, which can cause disappointment and a lack of direction.<sup>49</sup> They are team-oriented and collaborative; they work well with others, but that group-mindset can lead to undeveloped leadership skills and independent thinking.<sup>50</sup>

In light of their collaborative nature, Millennial students often see themselves as peers with their supervisors or professors.<sup>51</sup> They have frequently been praised for achievement throughout their lives, so they may have difficulty responding to constructive criticism and thus are prone to challenging feedback from professors.<sup>52</sup>

Oft named the “entitlement generation,” current law students “want it all, they want it now, and believe that they deserve it.”<sup>53</sup> They expect individualized attention, immediate feedback on their work,<sup>54</sup> and instant rewards from their educational experience.<sup>55</sup> This entitlement mindset often plays out in the disrespectful belief that “good grades should not be too hard to come by and that teachers should give them a break.”<sup>56</sup>

As digital natives, this generation of law students has been exposed to more information in their lifetime, but in less depth than prior generations.<sup>57</sup> As a result, professors may not necessarily be valued as a source of information because for most of their lives, students have been able to access that same

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47. Susan K. McClellan, *Externships for Millennial Generation Law Students: Bridging the Generation Gap*, 15 CLINICAL L. REV. 255, 270 (2009).

48. Stuart & Vance, *supra* note 40, at 61–62.

49. Palmer, *supra* note 43, at 681; Stuart & Vance, *supra* note 40, at 68; Dalton, *supra* note 40, at 174–75; *see also* Ruth Vance & Susan Stuart, *Of Moby Dick and Tartar Sauce: The Academically Underprepared Law Student and the Curse of Overconfidence*, 53 DUQ. L. REV. 133, 143 (2015) (“[O]verconfidence and competence are inversely related. The overconfident student is usually less competent, and her overconfidence makes her unable to recognize her incompetence and thereby limits her ability to improve her performance. Significant empirical evidence supports this conclusion.”).

50. Stuart & Vance, *supra* note 40, at 63; McClellan, *supra* note 47, at 265.

51. McClellan, *supra* note 47, at 263.

52. *Id.* at 263, 268.

53. Steven K. Berenson, *Educating Millennial Law Students for Public Obligation*, 1 CHARLOTTE L. REV. 51, 54 (2008).

54. McClellan, *supra* note 47, at 263.

55. Palmer, *supra* note 43, at 682.

56. Becker, *supra* note 42, at 30 (internal quotation marks omitted).

57. *See* Dalton, *supra* note 45, at 174.

information quickly and easily online.<sup>58</sup> Additionally, the focus on technology has arguably resulted in a generation of students with less developed reading and writing skills; they have far less desire to read long texts.<sup>59</sup> Instead, education is linked to entertainment.<sup>60</sup>

These characteristics often result in general complaints about current law students. Millennial law students need too much direction and handholding, they complain when they do not get an immediate response from professors, they want rubrics and checklists for every assignment, and they lack sufficient independent thinking skills.<sup>61</sup> These are the precise complaints that feed into a temptation to become a helicopter professor. Demands from students and complaints that professors are not helping them enough may encourage professors to give in and simply provide the helicoptering that students desire and to which they are accustomed.

### B. *Helicopter Parented*

Many of today's law students are the products of helicopter parenting. The parenting strain of helicoptering, also called "intensive parenting,"<sup>62</sup> generally describes a micro-managing style whereby parents hover around their children to protect them from harm but also from mistakes or disappointment.<sup>63</sup> As a result, they often "swoop in and take care of their children's problems instead of letting them figure things out for themselves."<sup>64</sup> Helicopter parents are wary

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58. *Id.* at 176.

59. Stuart & Vance, *supra* note 40, at 65–66.

60. Dalton, *supra* note 45, at 175.

61. Daicoff, *supra* note 40, at 18.

62. Gaia Bernstein & Zvi Triger, *Over-Parenting*, 44 U.C. DAVIS L. REV. 1221, 1231 (2011) (noting "intensive parenting" has also been dubbed "smothering mothering," "alpha parenting," or "child-centered parenting"); Anahid Gharakhanian, *ABA Standard 305's "Guided Reflections": A Perfect Fit for Guided Fieldwork*, 14 CLINICAL L. REV. 61, 74 n.49 (2007) (acknowledging "[h]elicopter parents have also been referred to as 'kamikaze parents' or 'Blackhawk parents.'").

63. Jennifer H. Sperling, *Reframing the Work-Family Conflict Debate by Rejecting the Ideal Parent Norm*, 22 AM. U. J. GENDER SOC. POL'Y & L. 47, 68 (2013).

64. Stuart & Vance, *supra* note 40, at 62.

about leaving their children unattended,<sup>65</sup> and they are “obsessed with their children’s success and safety.”<sup>66</sup>

A combination of several societal events in the mid-1980s is credited for the trend toward helicopter parenting. First, society in general became increasingly aware of “stranger danger” following the much-publicized 1981 kidnaping and murder of Adam Walsh, the newly-established National Center for Missing and Exploited Children, and the appearance of photos of missing children on milk cartons.<sup>67</sup> Second, *A Nation at Risk*,<sup>68</sup> a report released in 1983 by The National Commission on Excellence in Education, argued that American children were not competing academically with children from other countries thus increasing the emphasis on homework and test scores.<sup>69</sup> Third, the self-esteem movement, a “uniquely American phenomenon,” came about in this same decade, encouraging parents help their children succeed by valuing “their personhood rather than their outcomes.”<sup>70</sup> And finally, with women increasingly entering the workforce, families relied more heavily on daycare and children had less time for playing with friends after school.<sup>71</sup> As a result, parents began scheduling (and attending) play dates, monitoring their children at play, and eventually joining in the play, leading to less unsupervised play and more parental control.<sup>72</sup>

In light of this social and historical context, it is clear that the impulse to helicopter parent stems from good motivations<sup>73</sup>—parents want their children to

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65. Susan S. Bendlin, *Cocktails on Campus: Are Libations a Liability?*, 48 SUFFOLK U. L. REV. 67, 99 (2015), David Pimentel, *Criminal Child Neglect and the “Free Range Kid”*: *Is Overprotective Parenting the New Standard of Care?*, 2012 UTAH L. REV. 947, 950–51 (2012) (noting “[c]onsistent with [Intensive Parenting] is an obsession with safety and investment of energies to ensure that a child is thoroughly and adequately supervised at all times.”).

66. Kathleen Vinson, *Hovering Too Close: The Ramifications of Helicopter Parenting in Higher Education*, 29 GA. ST. U. L. REV. 423, 424 (2013).

67. JULIE LYTHCOTT-HAIMS, *HOW TO RAISE AN ADULT 3* (2015).

68. THE NAT’L COMMISSION ON EXCELLENCE IN EDUCATION, *A NATION AT RISK: THE IMPERATIVE FOR EDUCATIONAL REFORM* (1983).

69. LYTHCOTT-HAIMS, *supra* note 67, at 3.

70. *Id.* at 4.

71. *Id.*

72. *Id.* (acknowledging “[o]nce parents started scheduling play, they then began observing play, which led to involving themselves in play. Once a critical mass of parents began being involved in kids’ play, leaving kids home alone became taboo, as did allowing kids to play unsupervised.”).

73. Bernstein & Triger, *supra* note 62, at 1274 (noting “Intensive Parenting originated from the desire to produce a securely attached child and evolved to respond to the needs of an increasingly demanding and competitive society.”).

be safe and happy.<sup>74</sup> And to be sure, helicoptering over the lives and decisions of children can reap some benefits, including positive effects on academic achievement, school behavior, and the ability to work within institutions and rules.<sup>75</sup> Additionally, as children become teens, they face social and educational situations that may pose risk of greater gravity. As a result, involved parents, even helicopter ones, can help children make wise decisions heading into adulthood.<sup>76</sup>

Despite some benefits, helicopter parenting can also be incredibly damaging to children, affecting their maturity and development in various aspects of life.<sup>77</sup> Helicoptered children fail to develop basic life skills like time management<sup>78</sup> or speaking to strangers in the real world.<sup>79</sup> They are less creative, spontaneous, and attentive.<sup>80</sup> They are unaccustomed to being criticized, to dealing with

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74. Zvi Triger, *The Darker Side of Overparenting*, 2013 UTAH L. REV. ONLAW 284, 285 (2013); *see also* WILLIAM DERESIEWICZ, EXCELLENT SHEEP: THE MISEDUCATION OF THE AMERICAN ELITE AND THE WAY TO A MEANINGFUL LIFE 43 (2014) (“Helicopter parenting . . . originates in the illusion of control. . . the idea that life can be rendered predictable, reduced to an orderly succession of achievements that will guarantee security and comfort.”).

75. Bernstein & Triger, *supra* note 62, at 1274.

76. *See* Vinson, *supra* note 66, at 426 n.9 (“Some researchers argue that teenage years and young adulthood is filled with risks—emotionally, socially, sexually, economically, logistically, and psychologically—and that there are legitimate reasons for parents to remain deeply involved in their child’s lives even after they are adults.”).

77. Triger, *supra* note 74, at 285 (“As well intentioned as intensive parents might be, their parenting style can be damaging.”); *see also* DERESIEWICZ, *supra* note 74, at 43 (describing helicoptering parenting as a form of “infantilization”).

78. Triger, *supra* note 74, at 286.

79. For example, Julie Lythcott-Haims has witnessed this phenomenon first-hand, recalling:

At the beginning of one recent fall quarter at Stanford, this happened: After a freshman had been on campus for a few days, the boxes he had shipped from home via UPS arrived on the sidewalk outside his dorm. But the young man left them sitting there; they were big and heavy—each a two-person job—and he didn’t know how to get them to his room. As the student would later explain to the resident fellow—the faculty member living in his dorm who ended up marshaling some kind of assistance thanks to a call from the boy’s mother—he didn’t know how to ask anyone for help with the boxes.

LYTHCOTT-HAIMS, *supra* note 67, at 78.

80. Triger, *supra* note 74, at 286.

failure,<sup>81</sup> and to advocating for themselves.<sup>82</sup> Indeed, some studies show a correlation between helicopter parents and mental health issues including anxiety or depression.<sup>83</sup>

Unfortunately, for many of our law students, the helicopter carrying their parents followed them into college.<sup>84</sup> Advances in technology, including ubiquitous cell phones that enable near-constant contact, facilitate helicoptering even after a child has left for college.<sup>85</sup> In addition to regular contact or monitoring of their children,<sup>86</sup> helicopter parents call faculty members, complain about grades, demand different roommates, complete and edit homework assignments, and select courses or even majors for their college-aged children.<sup>87</sup>

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81. See, e.g., LYTHCOTT-HAIMS, *supra* note 67, at 90–91 (stating “kids may be in for quite a shock when parents turn them loose in the world of college or work.” For instance, “[t]hey will experience setbacks, which will feel to them like failure. And, in a cruel twist of irony, they then won’t be able to cope with that failure very well, because they haven’t had much practice at failure, either.”).

82. Gharakhanian, *supra* note 62, at 74.

83. LYTHCOTT-HAIMS, *supra* note 67, at 89–90; see also Triger, *supra* note 74, at 286 (noting children raised by helicopter parents “are more likely to suffer from low self-esteem, depression, anxiety, and stress.”).

84. In fact, “[p]arental involvement in college students lives is apparently on the rise.” Bernstein & Triger, *supra* note 62, at 1236; see also Hara E. Marano, *Helicopter Parenting – It’s Worse Than You Think*, PSYCHOL. TODAY (Jan. 31, 2014), <https://www.psychologytoday.com/blog/nation-wimps/201401/helicopter-parenting-its-worse-you-think> (noting “[t]he relentless violation of parental boundaries is most intense at business and law schools, professional domains where, back in the good ol’ days of, say, 1990, demonstrations of self-motivation and self-reliance by prospective students could be considered a plus.”); Vinson, *supra* note 66, at 433.

85. See, e.g., Vinson, *supra* note 66, at 431 (noting “the ability to be in constant contact with others via advances in technology may be a reason helicopter parenting is prevalent”); Bernstein & Triger, *supra* note 62, at 1239–40 (referring to the cellular phone as “the world’s longest umbilical cord” due to its ability to connect helicopter parents to their adult children attending college).

86. See generally Bernstein & Triger, *supra* note 62, at 1239–40.

87. See LYTHCOTT-HAIMS, *supra* note 67, at 69 (listing the various ways parents have inserted themselves into their children’s collegiate lives); Bendlin, *supra* note 65, at 99; see also David Pimentel, *The Widening Maturing Gap: Trying and Punishing Juveniles as Adults in an Era of Extended Adolescence*, 46 TEX. TECH. L. REV. 71, 76–77 (2013) (“Parents who hang on and play this kind of role for their college-aged kids (who are, after all, legal adults) are entirely unapologetic. Indeed, they can be somewhat self-congratulatory about it . . . .”); Vinson, *supra* note 66, at 430–31 (“While parents may no longer hover constantly at this stage, they often strike like ‘stealth fighter parents’ at particular moments . . . in college and graduate school when their child receives a grade lower than they are used to . . . .”); LYTHCOTT-HAIMS, *supra* note 67, at 69 (“Working alongside college students as parents began increasingly to insinuate themselves in academic life, at times I found myself thinking, ‘Who’s going to college here, anyway?’”).

In some instances, undergraduate schools are coping with helicopter parents' demands by creating web portals for parental information<sup>88</sup> or by designating a particular campus employee to serve as "full-time parent coordinator."<sup>89</sup>

The prevalence of helicopter parenting for law students, perhaps for the entirety of the twenty-two-plus years leading up to their matriculation, may create the expectation that it will continue into law school. And indeed it appears, at least from anecdotal reports, that law professors and administrators have been dealing with the helicopter parents of their students for over a decade.<sup>90</sup> More significantly, for pedagogical purposes, long-helicoptered students may expect, or even desire, that law professors, as the newest authority figure in their lives, will take up the controls of the helicopter.<sup>91</sup> Deviating from those expectations can be threatening and frustrating, for both the students and the professor.<sup>92</sup> Students risk confronting failure for the first time unprepared, and professors risk the professional consequences of harsh feedback in student evaluations.

### C. *No Child Left Behind*

The current cohort of law students grew up under the educational environment created by No Child Left Behind ("NCLB") legislation, which tended to prioritize test performance to the exclusion of all other aspects and

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88. Bernstein & Triger, *supra* note 62, at 1235–36.

89. Vinson, *supra* note 66, at 446. *But see* Pimentel, *supra* note 87, at 77 ("University administrators predictably complain about the role parents have assumed, and a number of universities have initiated programs to help what one administrator called 'the most over-involved generation of all time' learn to let go of their kids.").

90. See, e.g., Louis N. Schulze, Jr., *Balancing Law Student Privacy Interests and Progressive Pedagogy: Dispelling the Myth that FERPA Prohibits Cutting-Edge Academic Support Methodologies*, 19 WIDENER L.J. 215, 264–65 (2009) (discussing phone calls from parents to request tutoring or other academic assistance for their child); Gharakhanian, *supra* note 62, at 74–75 (recounting an email discussion on the LWI listserv about a law student who emailed the professor - cc'ing his parents in the process - to complain about the grade he received on a writing project); Amanda M. Fairbanks, *Letting Your Grad Student Go*, N.Y. TIMES, Oct. 26, 2009, <http://www.nytimes.com/2009/11/01/education/edlife/01guidance-t.html> (describing one helicopter parent's struggles to let go of their child in graduate school). The same is true in the job market, where companies have reported parental involvement in the interview process, hiring decisions, and package negotiations. See generally LYTHCOTT-HAIMS, *supra* note 67, at 70–71; Gharakhanian, *supra* note 62, at 75.

91. See George, *supra* note 45, at 166 (noting "[students] are used to significant parent involvement, and they want and expect parents and other authority figures to protect and nurture them and to resolve their conflicts.").

92. Foster, *supra* note 6 (acknowledging that, "[w]here pupils are desperate for constant guidance, advice, direction and support, the damage has already been done and any attempt to change the classroom dynamic is likely to be a threatening or frightening experience.").

measures of educational development.<sup>93</sup> Passed in 2002 with bipartisan support, NCLB was designed to “bridge the educational gap for all children”<sup>94</sup> by setting national standards for school performance.<sup>95</sup> NCLB sought to “ensure that all children have a fair, equal, and significant opportunity to obtain a high-quality education and reach, at a minimum, proficiency on challenging state academic achievement standards and state academic assessments.”<sup>96</sup> To accomplish that objective, NCLB set an ambitious goal of “one hundred percent proficiency” in reading and mathematics by 2014.<sup>97</sup> Additionally, NCLB required states to conduct yearly examinations of students so the legislature could identify which schools were making adequate progress and then distribute rewards or sanctions based on the testing results.<sup>98</sup>

By many accounts, NCLB has not been as effective as hoped and, in starker terms, has corrupted the educational system.<sup>99</sup> One detrimental effect of NCLB is the incentive for schools to “teach to the test.”<sup>100</sup> Given the regular assessment

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93. See Matthew D. Knepper, *Shooting for the Moon: The Innocence of the No Child Left Behind Act's One Hundred Percent Proficiency Goal and Its Consequences*, 53 ST. LOUIS U. L.J. 899, 899 n.3 (2009) (noting “[NCLB] refers generally to amendments made to the Elementary and Secondary Education Act of 1965, Pub. L. No. 89–10 (codified as amended at 20 U.S.C. §§ 6301–7941 (2006))”); see also Steven C. Ward, *No Child Left Behind Goes to College*, AM. ASS'N. U. PROFESSORS (Sept.–Oct. 2015), <https://www.aaup.org/article/no-child-left-behind-goes-college#> (stating “[s]tudents educated under NCLB become [sic] the walking zombies of intensified testing and continuous assessment in their high schools, where most of the joys of inquiry and learning have been eliminated from the curriculum.”); Michele Goodwin, *Law Professors See the Damage Done by 'No Child Left Behind,'* CHRON. HIGHER EDUC. (Mar. 12, 2013), <http://www.chronicle.com/blogs/conversation/2013/03/12/law-professors-see-the-damage-done-by-no-child-left-behind/> (noting those students educated in the shadow of NCLB “now come to college and even law school ill-prepared for critical thinking, rigorous reading, high-level writing, and working independently.”).

94. Becker, *supra* note 42, at 18.

95. See Madison Shoffner, *Education Reform from the Two-Sided Congressional Coin*, 45 J.L. & EDUC. 269, 271 (2016) (noting NCLB “set national standards that governed decision-making within schools, including measures for both student and school achievements as well as testing mandates.”).

96. 20 U.S.C. § 6301 (2006).

97. Knepper, *supra* note 93, at 904.

98. Becker, *supra* note 42, at 19–20; Shoffner, *supra* note 95, at 271 (“NCLB was intended to allow the government to ensure the funding provided to schools was justified and earned, providing incentives for greater performance.”).

99. Shoffner, *supra* note 95, at 271 (“NCLB has not been as effective or practical as its framers anticipated.”); Mary A. Lynch, *An Evaluation of Ten Concerns about Using Outcomes in Legal Education*, 38 WM. MITCHELL L. REV. 976, 997 (2012) (“NCLB dramatically changed the landscape of the U.S. public school system and appears to have been, at least in some perspectives, a dismal failure.”).

100. Lynch, *supra* note 99, at 998.

requirement and the financial strings tied to student performance on those assessments, teachers have a strong motivation to focus on memorization and test-taking strategies.<sup>101</sup> The emphasis in the classroom on how to succeed on an upcoming multiple choice assessment leaves less, if any, time for teaching topics and ideas not tested under NCLB.<sup>102</sup> Thus teachers no longer emphasize broader cognitive skills including critical thinking, problem solving, or creativity.<sup>103</sup>

Though NCLB was effectively repealed in 2015,<sup>104</sup> its effects are still felt today. The testing culture it created meant that millions of students were raised in an environment where they were “told what to learn and how to learn it.”<sup>105</sup> In that type of “performance-oriented” classroom, students may struggle with internal motivation and coping skills, abstract thinking, and challenges or the possibility of failure.<sup>106</sup> Moreover, they have been trained to take exams: “They’ve learned to ‘be a student,’ not to use their minds.”<sup>107</sup>

The “teach to the test” experience students had presents problems in advanced educational settings as well. Students come to law school “with little experience writing, researching, and learning on their own—the critical component of a legal education.”<sup>108</sup>

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101. Becker, *supra* note 42, at 19; Benjamin M. Superfine & Jessica J. Gottlieb, *Teacher Evaluation and Collective Bargaining: The New Frontier of Civil Rights*, 2014 MICH. ST. L. REV. 737, 751 (2014) (“By including much more robust testing and accountability requirements for schools than its predecessors, NCLB exerted strong pressure on teachers to teach to the test (e.g. by narrowly emphasizing testtaking [sic] skills) in many cases.”).

102. Becker, *supra* note 42, at 19–20.

103. Vance & Stuart, *supra* note 49, at 137 (“The majority of state-approved standardized tests still focus on factual knowledge, not mastery of fundamental skills [such as critical thinking, writing, and problem-solving].”); *see also* Becker, *supra* note 42, at 19 (noting NCLB has incentivized many teachers to focus “on memorization and testing strategies for the yearly assessment test instead of comprehension, critical thinking, or applied learning.”).

104. *See* Lyndsey Layton, *Obama signs new K–12 education law that ends No Child Left Behind*, WASH. POST (Dec. 10, 2015), [https://www.washingtonpost.com/local/education/obama-signs-new-k-12-education-law-that-ends-no-child-left-behind/2015/12/10/c9e58d7c-9f51-11e5-a3c5-c77f2cc5a43c\\_story.html?utm\\_term=.01ddfc264250](https://www.washingtonpost.com/local/education/obama-signs-new-k-12-education-law-that-ends-no-child-left-behind/2015/12/10/c9e58d7c-9f51-11e5-a3c5-c77f2cc5a43c_story.html?utm_term=.01ddfc264250) (recognizing the bill in question “effectively end[ed] heavy federal involvement in public schools and sen[t] much of that authority back to states and local school districts.”).

105. Becker, *supra* note 42, at 21.

106. *Id.* at 20–21.

107. DERESIEWICZ, *supra* note 74, at 13 (“[M]ost [students] seemed content to color within the lines that their education had marked out for them. Very few were passionate about ideas. Very few saw college as part of a larger project of intellectual discovery and development, one that they directed by themselves and for themselves.”).

108. Becker, *supra* note 42, at 21.

[F]or students who have been taught solely for the test, their undergraduate and graduate professors' expectations can present dissonance for students who have been rewarded throughout primary and secondary education for performing well on standardized tests and are now expected to think critically, contextualize learning, and clearly write about their learning in the college classroom[s]."<sup>109</sup>

Again, as with students' experiences with their own helicopter parents, an educational experience focused on rote learning for purposes of test-taking may leave students with the expectation that law school will be more of the same. Students unaccustomed to self-directed learning may expect or even demand higher levels of handholding in preparation for exams. Additionally, law school culminates with the ultimate test—the bar exam. In light of prior educational preparation for standardized tests, students may expect that law school is three years of teaching to the bar exam.<sup>110</sup> Those expectations cause friction when not fulfilled, which can encourage professors to adapt to that mentality and become helicopters.

### III. TODAY'S LAW SCHOOL PROFESSORS

Parents are admonished, when correcting or criticizing their children, to focus on the behavior rather than on the children themselves.<sup>111</sup> So too, the spirit of this section is about law professors' teaching practices and behavior and certainly not about them as professional educators.<sup>112</sup> This section addresses two aspects of today's law school professors. This Part first addresses the "like me" mentality, examining the extent to which professors' desire for high student evaluation results may contribute to helicopter tendencies. Then, it reflects on the make-up of the academy today, which includes many law school professors

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109. *Id.* at 20 (quoting Tenniel L. Trolan & Kristen S. Fouts, *No Child Left Behind: Implications for College Student Learning*, ABOUT CAMPUS, July-Aug. 2011, at 2, 5).

110. *See, e.g.*, Emmeline Paulette Reeves, *Teaching to the Test: The Incorporation of Elements of Bar Exam Preparation in Legal Education*, 64 J. LEGAL EDUC. 645, 655 (2014) (advocating that "teaching to the test [the bar exam] can enhance traditional law school education").

111. *See, e.g.*, Gwen Dewar, *Correcting Behavior: The Magic Words that Help Kids Cope with Mistakes*, PARENTING SCI., <http://www.parentingscience.com/correcting-behavior.html> (last modified Sept. 2013) (stating if "a child hears statements like 'you're so lazy,' or 'I'm disappointed in you,' he may conclude that he is intrinsically inferior. Some people have the right stuff, but [not him]. . . . So he feels helpless, and doesn't [try] to learn from his mistakes or improve himself.").

112. Also know, for what it is worth, that I am in the same boat and most definitely talking about my own tendencies and behaviors in the classroom.

who likely exhibit helicopter behavior in their own parenting which naturally can bleed over into their teaching.

A. *The “Like Me” Mentality*

People want to be liked, and law professors are not immune to this desire. And while being liked is not necessarily part of the job description, collegiality is frequently a factor that law faculties consider at each stage of the hiring, promotion, and tenure processes.<sup>113</sup>

More directly, however, institutional use of student evaluation forms provides an objective measure of how students view professors.<sup>114</sup> These measures play prominently in the evaluation of faculty for tenure and promotion.<sup>115</sup> In other words, a law professor’s job security may heavily depend on whether she is liked by her students. Setting aside the criticisms of many evaluation forms as internalizing student biases against women and professors of color,<sup>116</sup> student evaluations are designed to encourage better teaching and to allow the administration to see into the classrooms of professors.<sup>117</sup>

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113. See Mary A. Connell et al., *Collegiality in Higher Education Employment Decisions: the Evolving Law*, 37 J.C. & U.L. 529, 531–32 (2011) (noting “[d]espite some opposition . . . colleges and universities since 2001 have increasingly used collegiality in making tenure and promotion decisions.”).

114. *Using Student Evaluations to Improve Teaching*, SPEAKING OF TEACHING (Ctr. Teaching & Learning, Stanford, Cal.), Fall 1997, at 1 [hereinafter *Using Student Evaluations to Improve Teaching*] (noting student evaluations in “gathering evidence of teaching effectiveness, departments and deans are able to make informed and objective decisions about retention, promotion, tenure, and pay raises.”) [https://web.stanford.edu/dept/CTL/Newsletter/student\\_evaluations.pdf](https://web.stanford.edu/dept/CTL/Newsletter/student_evaluations.pdf).

115. See Kevin Yamamoto, *Banning Laptops in the Classroom: Is It Worth the Hassles?*, 57 J. LEGAL EDUC. 477, 505 (2007) (noting “[i]n some law schools, raises and promotions are partially based on student evaluations and this may be of some concern.”).

116. See, e.g., Meera E. Deo, *A Better Tenure Battle: Fighting Bias in Teaching Evaluations*, 31 COLUM. J. GENDER & L. 7, 14–15 (2015) (arguing “course evaluations provide all students with an opportunity to express their biases and preferences in an anonymous, yet powerful format.”); Deborah J. Merritt, *Bias, the Brain, and Student Evaluations of Teaching*, 82 ST. JOHN’S L. REV. 235, 265–66 (2008) (acknowledging perceptual biases with regard to race and gender can have a profound effect on student evaluations); see also William Arthur Wines & Terence J. Lau, *Observations on the Folly of Using Student Evaluations of College Teaching for Faculty Evaluation, Pay, and Retention Decisions and Its Implications for Academic Freedom*, 13 WM. & MARY J. WOMEN & L. 167 (2006).

117. See Kenneth Lasson, *Compelling Orthodoxy: Myth and Mystique in the Marketing of Legal Education*, 10 U. N.H. L. REV. 273, 281–82 (2012).

While student evaluations remain a legitimate and appropriate source of information for the tenure and promotion process,<sup>118</sup> the specter of the evaluation forms to be completed at the end of a semester can put added pressure on professors to perform a particular way.<sup>119</sup> Incentives to improve teaching are beneficial to law schools and students, but when student evaluation results are “utilized in determining promotions, salary raises, or continued employment, they become a potent and toxic means for manipulating faculty behavior.”<sup>120</sup>

The use of student evaluations for decisions about continued employment and advancement “unintentionally encourag[es] easier grading and spoon-feeding to help ensure better evaluations,” both of which are hallmarks of helicoptering.<sup>121</sup> Professors may “dumb down” the content of their course to “keep students happy with them.”<sup>122</sup> They may lower their teaching standards or the academic rigor of a course so as to keep the course entertaining and “tell their students what they want to hear.”<sup>123</sup> At the very least, professors have an incentive to inflate grades because student evaluations tend to “reward easiness and popularity and punish . . . high standards and rigorous courses.”<sup>124</sup>

Slightly afield from the desire of professors to receive good evaluation scores but nonetheless relevant to the discussion about classroom engagement, the form and phrasing of some questions on a student evaluation form can send

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118. Rebecca Flanagan, *The Kids Aren't Alright: Rethinking the Law Student Skills Deficit*, 2015 BYU EDUC. & L.J. 135, 162 (2015) (“The motivation behind implementing [student evaluations of teaching] . . . was positive; educational researchers, as well as individual professors, sought to improve teaching techniques by soliciting the opinions of students.”); see also *Using Student Evaluations to Improve Teaching*, *supra* note 114.

119. Amy R. Mashburn, *Can Xenophon Save the Socratic Method?*, 30 T. JEFFERSON L. REV. 597, 626 (2008) (acknowledging “[m]ore professors want to be liked by their students and to receive good evaluations from them.”).

120. Lasson, *supra* note 117, at 284.

121. Christine Pedigo Bartholomew & Johanna Oreskovic, *Normalizing Trepidation and Anxiety*, 48 DUQ. L. REV. 349, 355–56 (2010); see also discussion *supra* Part I; Mashburn, *supra* note 119, at 626 (noting “[m]any [professors] consider validation and self-esteem boosting to be legitimate goals for professional education. These professors strive to reach the ‘learning should be fun’ generation by creating a positive, entertaining, supportive, non-threatening atmosphere in their classrooms.”).

122. Lasson, *supra* note 117, at 282; Becker, *supra* note 42, at 30 (“Some of the professors who do not have job security, such as untenured or adjunct professors, have admitted that they have made a course easier to be liked by the students and to increase the ratings on their evaluations.”).

123. Lasson, *supra* note 117, at 283–84.

124. Conn, *supra* note 7; see also Flanagan, *supra* note 118, at 162; Arthur Best, *Student Evaluations of Law Teaching Work Well: Strongly Agree, Agree, Neutral, Disagree, Strongly Disagree*, 38 SW. L. REV. 1, 4–5 (2008).

signals to students about their own involvement in the educational process.<sup>125</sup> Specifically, questions asking how successful the professor was at imparting substantive knowledge or whether the professor piqued student interest and excitement about the topic suggest that the professor shoulders sole responsibility for the learning environment.<sup>126</sup> These and other similarly-worded questions reinforce the idea that learning is passive and that the professor has “total responsibility for students’ learning.”<sup>127</sup> The resulting passive student mindset contributes to less participation and effort, instead waiting for the professor to spoon feed the relevant knowledge.

In addition to using student evaluations in the tenure and promotion process, many law schools release course-by-course grade distribution and mean GPA data to faculty and students.<sup>128</sup> This information, while ostensibly disseminated to allow students to compare themselves to others in their class, can have a similar effect of punishing professors who grade more strictly: students will avoid classes with a lower grading curve, making it more likely that the class will be canceled or that enrollments will be noticeably sparse.<sup>129</sup> Thus professors have an incentive to inflate grades and lessen the academic rigor of a course to avoid the reputation as a tough grader.<sup>130</sup>

### B. *Helicopter Parents*

Law professors obviously are not as generationally homogenous as their students, but it is still useful to bear in mind the evolving dynamics of the faculty itself. Law faculties currently consist primarily of Baby Boomers and Generation Xers.<sup>131</sup> With the Boomers’ childhoods often defined by austere home and educational environments<sup>132</sup> and with the inattention decried by latchkey Gen

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125. Best, *supra* note 124, at 16.

126. *Id.* at 16–17.

127. *Id.* at 16, 19–20.

128. See, e.g., *Grading Dates & Information*, GONZ. UNIV. SCH. OF L., <https://www.law.gonzaga.edu/registrar/grading/> (last visited Nov. 7, 2017); *Grading Guidelines for Average Grades and Grade Distribution*, WASHBURN UNIV. SCH. OF L., <http://washburnlaw.edu/policies/gradingguidelines.html> (last viewed Nov. 7, 2017).

129. Flanagan, *supra* note 118, at 166–67.

130. See *id.* at 167.

131. See, e.g., Scott Jaschik, *The Gen X Professor*, INSIDE HIGHER ED. (Apr. 5, 2006), <https://www.insidehighered.com/news/2006/04/05/genx> (acknowledging Gen Xers have begun joining college faculties across the country).

132. See generally Trip Gabriel, *Boomers: The ‘Not As I Did’ Parents*, N.Y. TIMES, Nov. 30, 1995, at C4 (noting the vastly different childhoods of Baby Boomers and Millennials).

Xers,<sup>133</sup> it is perhaps no surprise that these groups are the ones heaping unmitigated praise upon and hovering around their children. In short, many of today's law professors are the helicopter parents addressed above.<sup>134</sup>

As a result, law professors today are likely to engage with their own children in the same coddling behavior that threatens to undermine their effectiveness in the classroom. And, of course, this mindset is not always constrained to the home.

#### IV. TODAY'S LAW SCHOOL ENVIRONMENT

Various demands and developments related to the contemporary law school setting may also have an impact on teaching styles and may, in their own way, contribute to a tendency to helicopter. This section addresses four of those environmental factors. First, the declining applications facing law schools across the country have given rise to a consumerism mindset in both law students and law schools. Second, and related in part to the decline in law school applications, entering law students have lower academic credentials than prior cohorts, which may necessitate a different style or depth of teaching. Third, law schools are currently steeped in assessment review and discussions in light of new ABA standards; that new emphasis has the potential, just as NCLB did, to encourage professors to "teach to the test," consistent with helicopter practices. And finally, the increase in teaching and learning scholarship, if taken to an extreme, may create helicopter professors out of well-intentioned ones.

##### A. *Declining Applications and the Rise of Consumerism*

Law schools across the nation have recently experienced a decline in student applications.<sup>135</sup> Enrollments peaked in 2010, "as many students fled a troubled economy to the schools' safe harbor," but since that time have plummeted given

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133. Rodney O. Fong, *Retaining Generation X'ers In A Baby Boomer Firm*, 29 CAP. U. L. REV. 911, 912 (2002).

134. See, e.g., Daicoff, *supra* note 40, at 18 (acknowledging the author of the article, a law professor, considers herself "a dotting, overprotective Boomer/Gen X 'helicopter parent'") (emphasis added); see also discussion *supra* Part II.B.

135. Elizabeth Adamo Usman, *Nurturing the Law Student's Soul: Why Law Schools are Still Struggling to Teach Professionalism and How to do Better in an Age of Consumerism*, 99 MARQ. L. REV. 1021, 1022 (2016) ("In the fall of 2014, the number of first-year law students enrolled at American Bar Association (ABA) accredited law schools reached the lowest level since 1973."). Additionally, the decline in the number of LSAT takers has been even greater than the decline in applications. *Id.* at 1023.

the declining number of jobs available and public scrutiny of law schools in general.<sup>136</sup>

The shrinking pool of quality applicants creates several hurdles for administrators to overcome, particularly in terms of competing for the limited number of qualified students who wish to attend law school. Law schools, even higher-ranked law schools, are forced to devote considerable energy to recruiting and retaining applicants.<sup>137</sup> This focus on marketing and on out-maneuvering other law schools feeds into a consumer-driven model of legal education where students see themselves as purchasers of a product offered by schools.<sup>138</sup> “Because keeping the student-consumer satisfied is a goal in a consumer-driven model, this approach to law school has the potential to affect not just admissions practices but also the nature of legal education itself.”<sup>139</sup>

To be sure, consumerism in legal education is not entirely a bad thing.<sup>140</sup> Indeed, the consumer-driven mindset of legal education has brought about much-needed reforms,<sup>141</sup> including the integration of practical skills into the curriculum and greater transparency of enrollment and employment data, information relevant to consumers.<sup>142</sup>

However, consumerism can also feed into a tendency for professors to helicopter.<sup>143</sup> Competition for students may result in lowered academic

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136. Elizabeth Olson, *Study Cites Lower Standards in Law School Admissions*, N.Y. TIMES, Oct. 26, 2015, at B1 [hereinafter Olson I]; Elizabeth Olson, *Law School Is Buyers' Market, With Top Students in Demand*, N.Y. TIMES, Dec. 1, 2014, at B5 [hereinafter Olson II] (noting “[l]aw school enrollment has been tumbling because the economic recession has reduced the number of legal jobs.”).

137. Usman, *supra* note 135, at 1024. One dean described feeling as if his school were engaged in “hand-to-hand combat with other schools,” because “[s]tudents are voting with their feet, and demanding a better deal.” Olson II, *supra* note 136.

138. Usman, *supra* note 135, at 1024, 1030 (noting “law students, especially Millennials, increasingly have a self-conception of themselves as consumers purchasing a product, and law schools increasingly see themselves as purveyors of a product.”); *see also* Flanagan, *supra* note 118, at 153-55 (discussing “the rise of consumer-orientation among college students”).

139. Usman, *supra* note 135, at 1024–25.

140. “[Q]uite to the contrary, the rising influence of consumerism has resulted, and is resulting, in some extremely positive changes in legal education.” *Id.* at 1031.

141. *Id.* at 1042.

142. *Id.* at 1045.

143. In a customer-service relationship:

You give your customer what they want, but you don't have any interest in their long-term welfare. It is precisely because you do have an interest in your students' long-term welfare that you don't give them what they want . . . Professors should be mentors, not commodities or clerks. Education isn't something you consume; it's an experience that you to give yourself over to.

expectations.<sup>144</sup> In an effort to keep the consumer happy (and enrolled at the law school), professors may feel pressure to inflate grades or reduce academic rigor.<sup>145</sup> Moreover, the consumer mentality encourages students to focus on the “extrinsic outcomes” from the educational process and diminishes their own “intrinsic motivation” to learn and develop.<sup>146</sup> Thus students may be less inclined to work hard and grapple with challenging material or tasks.<sup>147</sup> As a result, “[t]here is a danger in the consumer-driven model that universities will entertain instead of educate, affirm instead of challenge, comfort instead of strengthen.”<sup>148</sup>

### B. *Lower Academic Credentials and Skills of Students*

In addition to a rise in consumerism, the drop in law school applications has also brought about a student body with lower incoming credentials.<sup>149</sup> “As law school applications and enrollment decrease, schools are digging deeper into the application pool.”<sup>150</sup>

Compounding the problem of lower credentialed students, “[r]esearch seems to indicate that incoming students are less prepared for law school than in the past . . . .”<sup>151</sup> Undergraduate institutions are perhaps not engaging in the same

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DERESIEWICZ, *supra* note 74, at 69.

144. Usman, *supra* note 135, at 1040.

145. *Id.* at 1040–41; Flanagan, *supra* note 118, at 155 (recognizing “[s]tudents no longer see themselves as partners in a relationship designed to further growth; consumer orientation frames the relationship between student and teacher as customer and service provider, with the customer expecting satisfaction.”).

146. Flanagan, *supra* note 118, at 154–55.

147. “Students expect ‘to be given high grades in return for paying tuition and showing up.’ A customer does not expect to put in substantial effort after a monetary transaction, whereas a student must put in effort to learn and grow.” *Id.* at 155 (citations omitted).

148. Usman, *supra* note 135, at 1042.

149. Olson I, *supra* note 136, at B1 (“As law schools across the country try to keep their classrooms full, many are admitting students with lesser qualifications, including those with a lower admissions test score.”); Anthony Niedwiecki, *Law Schools and Learning Outcomes: Developing a Coherent, Cohesive, and Comprehensive Law School Curriculum*, 64 CLEV. ST. L. REV. 661, 662 (2016) (“Along with the significant declines in the number of students attending law school, many law schools have seen a shift in the quality of students attending their respective schools. In fact, many schools have seen a significant decline in the median LSAT score from 2010 to 2014.”).

150. Kathleen Elliott Vinson, *What’s Your Problem?*, 44 STETSON L. REV. 777, 810 (2015) [hereinafter Vinson II]; *see also* Usman, *supra* note 135, at 1023 (“The higher percentage of decline in LSAT test takers than law school enrollees has resulted, not surprisingly, in significant declines in the average objective admission metrics of admitted students.”).

151. Vinson II, *supra* note 150, at 810.

rigor to develop students' intellectual skills.<sup>152</sup> As a result, entering law students lack critical-thinking and problem-solving skills, particularly when compared to law students from thirty or forty years ago.<sup>153</sup> “[F]ewer students possess the basic higher-order cognitive processes that the academy has assumed are the threshold educational attributes necessary for success in law school.”<sup>154</sup>

The deficiencies in students' academic preparation for law school can foster the desire to help them more. As well it should, arguably, if institutions wish to see their graduates succeed on the bar exam and in practice.<sup>155</sup> Taken too far, however, that desire to “help” can easily translate into helicoptering. As with helicopter parents, the underlying motivation is good and altruistic, but how that motivation translates into actions can be problematic.

### C. Assessment Movement

After years of committee work within the ABA, a modified assessment regime is now in force for law schools.<sup>156</sup> In an effort to measure and ultimately enhance the effectiveness of legal education, the ABA requires that law schools, among other things, identify specific student learning outcomes that they expect their students to reach by graduation.<sup>157</sup> “Learning outcomes,” a term that has

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152. Flanagan, *supra* note 118, at 141–42. “[U]ndergraduate education is simply no longer as rigorous, which unfortunately fits the consumer-student who wants the best education credentials with the least amount of effort.” Stuart & Vance, *supra* note 40, at 60. Moreover:

Students have found that maximizing grades, minimizing study time, and focusing on the credentialing aspect of college education results in a more pleasurable, less stressful experience, but one that leaves them ill-prepared for higher-level intellectual tasks. The undergraduate experience has changed from one of intellectual rigor and exploration to one that focuses on personal pleasure, much like a four-year vacation.

Flanagan, *supra* note 118, at 170–71.

153. Stuart & Vance, *supra* note 40, at 41.

154. *Id.* at 43.

155. See Vance & Stuart, *supra* note 49, at 135 (noting “the legal academy is faced with increasing numbers of underprepared law students and . . . we must bring those students ‘up to speed’ if we are to graduate practice-ready lawyers. . .”).

156. Abigail Loftus DeBlasis, *Building Legal Competencies: The Montessori Method as a Unifying Approach to Outcomes-Based Assessment in Law Schools*, 42 OHIO N. U. L. REV. 1, 17, 19 (2015).

157. Specifically, Standard 302 provides:

A law school shall establish learning outcomes that shall, at a minimum, include competency in the following:

- (a) Knowledge and understanding of substantive and procedural law;

become laden with jargon-like powers,<sup>158</sup> are merely “the knowledge, skills, and values that you desire your graduates to have upon graduation.”<sup>159</sup>

Naturally, it is not sufficient for law schools to merely identify their learning outcomes.<sup>160</sup> Instead, they must assess those outcomes to evaluate whether the courses and programs of that school are adequately teaching students what the school has identified as essential to its mission.<sup>161</sup> Law schools then must adjust their curricula to address weaknesses discovered during the assessment process.<sup>162</sup>

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- (b) Legal analysis and reasoning, legal research, problem-solving, and written and oral communication in the legal context;
  - (c) Exercise of proper professional and ethical responsibilities to clients and the legal system; and
  - (d) Other professional skills needed for competent and ethical participation as a member of the legal profession.

A.B.A., A.B.A. STANDARDS AND RULES OF PROCEDURE FOR APPROVAL OF LAW SCHOOLS 15 (2017-2018 ed. 2017).

Additionally, Standard 315 provides:

The dean and the faculty of a law school shall conduct ongoing evaluation of the law school’s program of legal education, learning outcomes, and assessment methods; and shall use the results of this evaluation to determine the degree of student attainment of competency in the learning outcomes and to make appropriate changes to improve the curriculum.

A.B.A., A.B.A. STANDARDS AND RULES OF PROCEDURE FOR APPROVAL OF LAW SCHOOLS 23 (2017-2018 ed. 2017).

158. I am also now required to include pages of administrative boilerplate [in my syllabus]. My favorite bit is the section where I have to explain my ‘learning objectives.’ Head hung low, I confess that I have no idea what a ‘learning objective’ is, though it sounds like the intellectual analog to having your dad remind you to brush your teeth.

Conn, *supra* note 7.

159. LORI E. SHAW & VICTORIA L. VANZANDT, *STUDENT LEARNING OUTCOMES AND LAW SCHOOL ASSESSMENT: A PRACTICAL GUIDE TO MEASURING INSTITUTIONAL EFFECTIVENESS* 7 (2015).

160. See Susan Hanley Duncan, *The New Accreditation Standards are Coming to a Law School Near You - What You Need to Know about Learning Outcomes & Assessment*, 16 *LEGAL WRITING: J. LEGAL WRITING INST.* 605, 626 (2010) (acknowledging “[a]ssessment is about learning,” and that is why an integral part of this process involves assessing the assessment and making changes based on the information received.”).

161. SHAW & VANZANDT, *supra* note 159, at 11; see also Niedwiecki, *supra* note 149, at 665 (stating “[p]ut simply, law schools are now required to answer two questions: (1) what do they want their students to learn, and (2) how will they know when the students have learned the requisite skills or obtained this requisite knowledge?”).

162. See SHAW & VANZANDT, *supra* note 159, at 11 (discussing how the outcome assessment process can be used to “improve student learning”).

The requirement that law schools try to numerically quantify student learning gives rise to the concern that professors will “teach to the test.”<sup>163</sup>

The concern sometimes articulated is that an attempt to measure what students take away from their three years of law school, by reducing an experience of intellectual growth and personal development to some kind of objective measure, will diminish the experience and lead legal education to become more pedestrian in its focus and rote in its method.<sup>164</sup>

The call for assessment in law schools is not, by itself, problematic. Nor does the process of assessing institutional learning outcomes, on balance, demand that professors “teach to the test.” Indeed, the assessment process and the identification of learning outcomes help refine and direct the work of law schools, ensuring that professors are working in a more deliberate manner toward a meaningful goal. Nonetheless, the rote application of the assessment process and the effort to quantify student learning may give the impression that professors should helicopter over students to “teach to the test,” at the same time ignoring skills or concepts that may not be articulated in a learning outcome.

#### D. *Teaching-and-Learning Scholarship*

Over the past couple of decades, new voices have emerged in the legal scholarship scene discussing the way in which law professors teach their students.<sup>165</sup> Pedagogy research and analysis has increasingly found its way into academic articles, including those in my own scholarly work.<sup>166</sup> And despite the normative nature of this statement, I will admit I think it’s a good thing. In addition to analyzing and shaping the legal landscape of the country (and the

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163. Lynch, *supra* note 99, at 997–1000 (addressing the common criticism that assessing student learning outcomes creates an incentive to “teach to the test”).

164. Mary Crossley & Lu-in Wang, *Learning by Doing: An Experience with Outcomes Assessment*, 41 U. TOL. L. REV. 269, 275 (2010).

165. See Eric A. DeGroff, *Training Tomorrow’s Lawyers: What Empirical Research Can Tell Us About the Effect of Law School Pedagogy on Law Student Learning Styles*, 36 S. ILL. U. L.J. 251, 256 (2012) (stating “[a]lthough the legal academy is a relative newcomer to empirical research on teaching and learning, considerable progress has been made.”).

166. See, e.g., Emily Grant, *Beyond Best Practices: Lessons from Tina Stark About the First Day of Class*, 95 OR. L. REV. 397 (2017) [hereinafter *Beyond Best Practices*]; Emily Grant, *The Pink Tower Meets the Ivory Tower: Adapting Montessori Teaching Methods for Law School*, 68 ARK. L. REV. 603 (2015) [hereinafter *The Pink Tower*]; Emily Grant, *At the [Other Side of the] Lectern*, 64 J. OF LEGAL EDUC. 103 (2014); William E. Foster & Emily Grant, *Memorializing the Meal: An Analogical Exercise for Transactional Drafting*, 36 U. HAW. L. REV. 403 (2014).

world), legal scholars also have an obligation to teach future generations of attorneys; conversations about how to best go about that responsibility are useful and improve the academy.

But teaching-and-learning scholarship can also feed into helicopter behavior. For example, some pedagogical scholarship touts the benefits of using rubrics with assignments.<sup>167</sup> But rubrics may not be appropriate for every assignment during the course of a semester.<sup>168</sup> And rubrics, used to the extreme, can turn into a checklist that eliminates the need for students to exercise judgment, think creatively, and problem-solve.<sup>169</sup>

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167. See, e.g., Sandra L. Simpson, *Riding the Carousel: Making Assessment a Learning Loop Through the Continuous Use of Grading Rubrics*, 6 CAN. LEGAL EDUC. ANNUAL REV. 35, 51 (2011) (“Because feedback often is lacking in law school and it is an essential component of the learning process, any use of rubrics will improve student mastery.”)(footnote omitted). Indeed, “rubrics, when used throughout the semester, allow students to self reflect on their own work and to be better editors of their peers’ work.” *Id.* at 41; see also Jessica Clark & Christy DeSanctis, *Toward a Unified Grading Vocabulary: Using Rubrics in Legal Writing Courses*, 63 J. LEGAL EDUC. 3, 20 (2013) (discussing the practical benefits of using rubrics to assess student work product as well as professor effectiveness); Andrea A. Curcio, *Moving in the Direction of Best Practices and the Carnegie Report: Reflections on Using Multiple Assessments in a Large-Section Doctrinal Course*, 19 WIDENER L.J. 159, 168-69 (2009) (finding that use of rubrics and grading sheets resulted in easier self-assessment and contributed to students’ lifelong learning process); *The Pink Tower*, *supra* note 166, at 637 (acknowledging self-graded rubrics provide for flexible self-assessment and “force students to look at their own work product . . . and evaluate it against a standard to identify its strengths and weaknesses.”).

168. In fact, there are those that would argue that rubrics may illicit a contrary result – hindering, as opposed to helping, the learning process. See, e.g., Alfie Kohn, *The Trouble with Rubrics*, 95 ENG. J. 12, 13 (2006) (arguing “standardizing assessment for learners may compromise the learning.”). For example, one professor realized “that her students, presumably having grown accustomed to rubrics in other classrooms, . . . seemed ‘unable to function unless every required item is spelled out for them in a grid and assigned a point value. Worse than that . . . they do not have confidence in their thinking or writing skills and seem unwilling to really take risks.’” *Id.*

169. One author summarized the negative side effects associated with rubric overuse as follows:

If you tell [students] to do A, B, C, and D, they are excellent at doing it, and they’re hardworking and dedicated as they do so . . . . But if you tell them, ‘Look, we’re trying to get to D. We’re going to show you A and give you half of C. Go innovate, solve it for yourself,’ they really struggle. Their mind-set is, ‘Tell me what the path is and I’ll follow it, even if it’s really hard. But strike out on my own and figure it out? That I can’t do.’

LYTHCOTT-HAIMS, *supra* note 67, at 116.

Similarly, many scholars decry the Socratic method as the sole or even predominate mode of legal education.<sup>170</sup> Instead, pedagogical scholarship, mine included,<sup>171</sup> advocates collaborative work, group discussions, and team-based learning projects.<sup>172</sup> Certainly, the introduction of new teaching methods can be a very good thing for the legal classroom.<sup>173</sup> But if the pendulum swings too far away from the Socratic method, it seems that classrooms become almost the inverse—where students ask questions and professors merely answer them. The effort to implement new and innovating teaching practices can, if taken to an extreme, result in helicopter teaching in which professors no longer ask students to think critically and independently about legal issues.

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170. See, e.g., Reeves, *supra* note 110, at 649 (“[U]ndeniably, there are significant limitations to the Socratic method.”); Benjamin V. Madison, III, *The Elephant in Law School Classrooms: Overuse of the Socratic Method As an Obstacle to Teaching Modern Law Students*, 85 U. DETROIT. MERCY L. REV. 293 (2008) (arguing the Socratic method is ineffective and “discriminates against both minority and female students as well as [an] increasing number of law students with diverse learning styles.”); Jeffrey D. Jackson, *Socrates and Langdell in Legal Writing: Is the Socratic Method a Proper Tool for Legal Writing Courses?*, 43 CAL. W. L. REV. 267, 283–84 (2007) (summarizing criticisms that the Socratic method humiliates students, establishes hierarchies, hides the ball, induces boredom, and does not teach skills); Orin S. Kerr, *The Decline of the Socratic Method at Harvard*, 78 NEB. L. REV. 113, 118–22 (1999) (summarizing the various critiques of the Socratic method).

Indeed, the Carnegie Report credited the Socratic method as a major weakness in legal education given “the casual attention that most law schools give to teaching students how to use legal thinking in the complexity of actual law practice” and “law schools’ failure to complement the focus on skill in legal analysis with effective support for developing the ethical and social dimensions of the profession.” WILLIAM M. SULLIVAN, ET AL, *EDUCATING LAWYERS: PREPARATION FOR THE PROFESSION OF LAW* 188 (2007).

171. See generally *The Pink Tower*, *supra* note 166, at 647; Foster & Grant, *supra* note 166.

172. See, e.g., A. Rachel Camp, *Creating Space for Silence in Law School Collaborations*, 65 J. LEGAL EDUC. 897, 898 (2015) (“Group work is routinely understood as one of the most effective learning methods based on the principles that learning is ‘inherently social’ and ‘an active process.’ For learning, the benefits of group work can be a deeply useful and powerful tool.”); accord Melissa H. Weresh, *Uncommon Results: The Power of Team-Based Learning in the Legal Writing Classroom*, 19 LEGAL WRITING: J. LEGAL WRITING INST. 49, 50 (2014); Barbara J. Flagg, *Experimenting with Problem-Based Learning in Constitutional Law*, 10 WASH. U. J.L. & POL’Y 101, 102–03 (2002).

173. See Aida M. Alaka, *Learning Styles: What Difference Do the Differences Make?*, 5 CHARLESTON L. REV. 133, 162–63 (2011) (noting the recent import of diverse “teaching and learning theories into the legal academy is a positive development. This is especially true when it is tied to individual self-critical assessment of one’s teaching methods and the search for creative alternatives.”).

Additionally, scholars suggest that law schools should focus on making their students “practice ready,”<sup>174</sup> and there are many good reasons for this effort.<sup>175</sup> Professors and attorneys interpret that to mean imparting the critical thinking and problem solving skills necessary to interact with clients and serve their interests. It also means teaching document-driven skills—knowing which document is appropriate for a given situation, how to find it, how to create it, and what to do with it when it is complete.

But query what message the “practice ready” phenomenon sends to incoming law students, particularly Millennials and those with lower incoming credentials. Students may think it means teaching minute task-focused things, like how to find forms and how to cross-examine a witness. It does. But “practice ready” means more than that. Law professors interpret that to also mean imparting the critical thinking and problem solving skills necessary to interact with clients and serve their interests.<sup>176</sup> These disparate understandings of the terminology and ultimate goal may frustrate students who expect to be spoon fed instructions for the mechanical tasks of being an attorney.

Even some of the literature helping professors think about Millennials as law students can itself lead to helicoptering. “Provide direction and structure and certainty for assignments; provide samples of work.<sup>177</sup> “[P]rovid[e] different

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174. See generally Joni Larson, *To Develop Critical Thinking Skills and Allow Students to Be Practice-Ready, We Must Move Well Beyond the Lecture Format*, 8 ELON L. REV. 443, 443-44 (2016); Alex Berrio Matamoros, *Answering the Call: Flipping the Classroom to Prepare Practice-Ready Attorneys*, 43 CAP. U. L. REV. 113 (2015); Sherri Lee Keene, *One Small Step for Legal Writing, One Giant Leap for Legal Education: Making the Case for More Writing Opportunities in the “Practice-Ready” Law School Curriculum*, 65 MERCER L. REV. 467, 468 (2013); Margaret Martin Barry, *Practice Ready: Are We There Yet?*, 32 B.C. J.L. & SOC. JUST. 247 (2012). But see Robert J. Condlin, *“Practice Ready Graduates”: A Millennialist Fantasy*, 31 TOURO L. REV. 75, 98 (2014) (arguing “[i]ncreasing the time spent training students in practice skills will divert attention and resources from what law schools do best: teach the critical thinking skills that underlie and give shape to lawyer practice behavior generally.”).

175. See, e.g., Berrio, *supra* note 174, at 114 (“Law firms and other legal employers no longer want to spend the time and money to teach new lawyers the fundamental skills of law practice.”)

176. See Foster & Grant, *supra* note 166, at 404 (“Thus, the concept of a practice-ready lawyer is not someone who is prepared to merely perform isolated legal tasks, but one who is also able to process the client’s articulated goals and to fully comprehend the client’s situation.”).

177. Daicoff, *supra* note 40, at 22; see also Emily A. Benfer & Colleen F. Shanahan, *Educating the Invincibles: Strategies for Teaching the Millennial Generation in Law School*, 20 CLINICAL L. REV. 1, 16 (2013) (“Learning-centered materials should include assignment expectations along with descriptions of the evaluation tools that will be used by the student and teacher to measure student work.”).

modes of instructional delivery.”<sup>178</sup> “Provide structure, feedback and praise.”<sup>179</sup> “Encourage collaborative, team projects in groups.”<sup>180</sup> “Avoid overwhelming workloads and include outlets for stress.”<sup>181</sup> “Provide information through various modalities and provide information in a format the student finds useful.”<sup>182</sup>

These are all credible teaching suggestions, especially when situated in the larger context of creating life-long learners.<sup>183</sup> And to be fair, the scholars who posited these suggestions all did so in the context of nurturing students to be self-directed effective learners and attorneys. However, teaching-and-learning suggestions, as with anything, can be destructive if taken to an extreme or thoughtlessly employed.

Be that as it may, similar to the assessment movement, this article does not suggest that pedagogy scholarship is inappropriate or harmful to the discipline. On the contrary, it is wise to be attuned to how the new generation of law students learn.<sup>184</sup> Further, it is beneficial to be more responsive to students and present information in a new and different way. The risk is that professors may go overboard, beyond sound teaching practices, into the realm of hand-holding and coddling.

#### V. HOW TO AVOID HELICOPTER PROFESSORING

Because the helicopter professor problem, both in name and behavior, mirrors a problematic parenting style, parenting literature is relevant to formulating a strategy for resisting the tendency to helicopter. Not because law professors are trying to be parents to their students, but because professors are trying to strike the right balance between caring for and nurturing students while still maintaining high expectations and not being overly permissive or

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178. Palmer, *supra* note 43, at 703.

179. McClellan, *supra* note 47, at 272; *see also* Palmer, *supra* note 43, at 704 (noting “[the] lack of assessment often demoralizes Millennial students . . . .”); Daicoff, *supra* note 40, at 22 (“Give immediate, regular feedback laced with lots of praise . . . .”); Benfer & Shanahan, *supra* note 177, at 27 (“[T]imely and regular feedback will keep millennial students engaged and motivated.”).

180. Daicoff, *supra* note 40, at 24; *see also* Benfer & Shanahan, *supra* note 177, at 25 (“Faculty can also promote a team atmosphere by creating affinity groups.”).

181. McClellan, *supra* note 47, at 278.

182. Palmer, *supra* note 43, at 701.

183. *See* Benfer & Shanahan, *supra* note 177, at 14.

184. *Id.* at 5 (arguing “[l]egal educators who are attuned to generational shifts will be better teachers and will help produce better lawyers.”).

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coddling.<sup>185</sup> “Teaching and parenting share this in common: In both relationships, the goal is to produce independent and self-sufficient human beings.”<sup>186</sup>

A. *Theoretical Taxonomy*

In the late 1960s, developmental psychologist Diana Baumrind conducted research on different parenting styles and categorized what she observed into three different techniques: permissive, authoritarian, and authoritative.<sup>187</sup> Baumrind’s work was modified and expanded over time to create four distinct categories of parental behavior, based on how responsive and how demanding the parent is.<sup>188</sup>

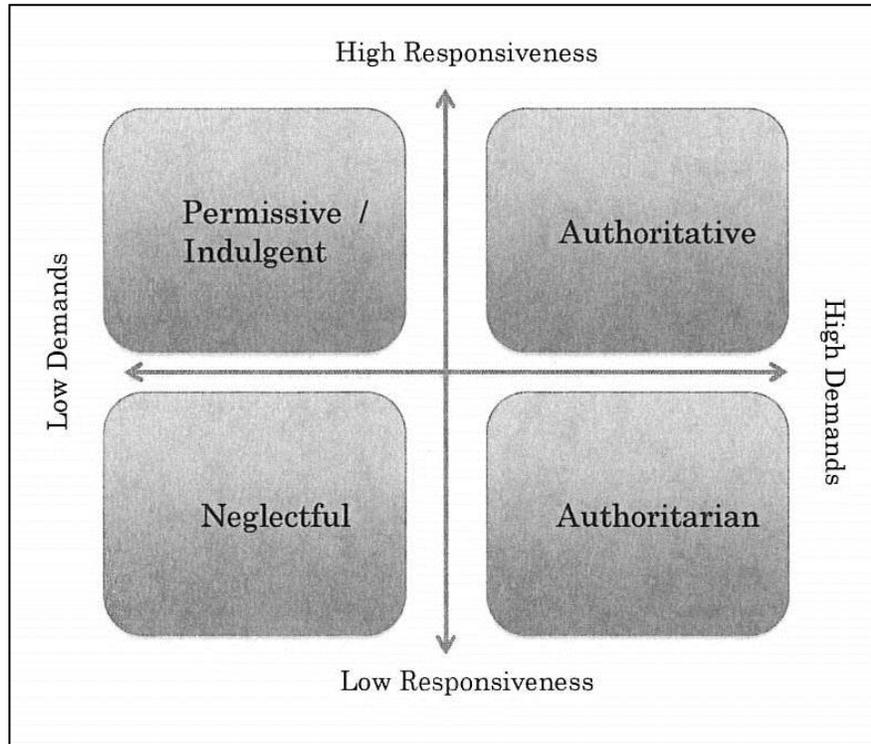
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185. See ANGELA DUCKWORTH, *GRIT: THE POWER OF PASSION AND PERSISTENCE* 218 (1st ed. 2016) (noting “emerging research on teaching suggests uncanny parallels to parenting.”).

186. Conn, *supra* note 7.

187. See Diana Baumrind, *Child Care Practices Antecedent Three Patterns of Preschool Behavior*, 75 *GENETIC PSYCHOL. MONOGRAPHS* 43, 59 (1967); see also Douglas A. Bernstein, *Parenting and Teaching: What’s The Connection in Our Classrooms? - Pt. One of Two: How Teaching Styles can Affect Behavioral and Educational Outcomes in the Classroom*, *PSYCHOL. TCHR. NETWORK* (Sept. 2013), <http://www.apa.org/ed/precollege/ptn/2013/09/parenting-teaching.aspx> (describing Baumrind’s methodology with regard to her classification of parental practices).

188. LYTHCOTT-HAIMS, *supra* note 67, at 146 (noting “[i]n 1983 psychologists . . . modified Baumrind’s classification, replacing ‘permissive’ with ‘indulgent,’ and adding ‘neglectful.’”).

Figure 1<sup>189</sup>

Beginning in the upper-left quadrant, permissive or indulgent parents are responsive and nurturing, but not very demanding or strict with their children.<sup>190</sup> “They express love and concern for their children but set few rules and expectations for their behavior and enforce the rules they do set whimsically or

189. This typology was developed by researchers Eleanor MacCoby and John Martin, based on Baumrind’s prior work. MacCoby, E. E., and Martin, J. A. (1983). “Socialization in the context of the family: parent-child interaction,” in *Handbook of Child Psychology: Socialization, Personality and Social Development*, Vol. 4. eds E. M. Hetherington and P. H. Mussen (New York, NY: Wiley), 1–101.

190. Jonathan F. Bassett & Timothy L. Snyder, “Parenting” in the Classroom: University Students’ Evaluations of Hypothetical Instructors as a Function of Teaching Styles and Parenting Styles, 15 N. AM. J. OF PSYCHOL. 447, 447 (2013).

inconsistently.”<sup>191</sup> “These parents tend to attend to their child’s every need and comply with their child’s every request. . . . They remind to the point of nagging, but the behavioral consequence they threaten rarely comes.”<sup>192</sup>

Neglectful parents are neither responsive nor demanding.<sup>193</sup> They tend to be disinterested, emotionally detached, and are often physically unavailable for their children.<sup>194</sup> Moreover, these tendencies can even make neglectful parents unreliable in providing for their children’s basic needs.<sup>195</sup> This parenting style “creates an especially toxic emotional climate.”<sup>196</sup>

Authoritarian parents are low on the responsiveness axis, but high on the demanding/strictness axis.<sup>197</sup> Valuing “achievement, order, discipline, and self-control,” authoritarian parents demand that their children respect and obey them, and will punish them should they fail to meet these expectations.<sup>198</sup>

Authoritative parents are both responsive and demanding.<sup>199</sup> They are “emotionally warm, and responsive to their child’s emotional needs.”<sup>200</sup> At the same time, they “set age appropriate rules but explain the reasoning behind the rules and attempt to get children to internalize the rules and follow them because they see their value rather than simply out of blind obedience to authority or fear of punishment.”<sup>201</sup> These parents “appreciate that children need love, limits, and latitude to reach their full potential.”<sup>202</sup> They balance “warmth with strictness [and] direction with freedom.”<sup>203</sup> It is this type of parenting style that results in “the best behavioral and academic outcomes in children and adolescents.”<sup>204</sup>

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191. *Id.* at 447–48.

192. LYTHCOTT-HAIMS, *supra* note 67, at 147.

193. *Id.*

194. *Id.*

195. *Id.*

196. DUCKWORTH, *supra* note 185, at 212.

197. *See id.* (noting “[a]uthoritarian parents are demanding and unsupportive”).

198. LYTHCOTT-HAIMS, *supra* note 67, at 147.

199. *Id.* at 148.

200. *Id.*

201. Bassett & Snyder, *supra* note 190, at 448.

202. DUCKWORTH, *supra* note 185, at 212.

203. LYTHCOTT-HAIMS, *supra* note 67, at 148.

204. Bassett & Snyder, *supra* note 190, at 448. The other three parenting styles “have all been associated with a variety of problematic personal, social and emotional characteristics that can play out in academic settings in the form of anxiety and low achievement, but also in irresponsibility, impulsivity, dependency, lack of persistence, unreasonable expectations and demands and dishonesty.” Bernstein, *supra* note 187.

That same basic grid can be applied to teaching styles, with one axis for involvement or responsiveness and one axis for discipline or demandingness.<sup>205</sup> Again starting in the upper-left quadrant, permissive (or indulgent) teachers are involved in, and devoted to, teaching, but they are hesitant of causing stress for their students, and frequently tailor their lesson plans to accommodate the slowest learners.<sup>206</sup> These teachers often supplement class lectures with handouts and other student guides, making failure of the course improbable.<sup>207</sup> “They spend countless hours working with students who ask for help.”<sup>208</sup> Permissive teachers tend to set flexible deadlines, often making special accommodations for students as needed.<sup>209</sup>

At the other extreme, neglectful teachers are neither responsive to students nor demanding in any particular way.<sup>210</sup> “They come to class, deliver the same lectures year after year, discourage questions and make their escape with as little student contact as possible.”<sup>211</sup> Neglectful teachers are lax with discipline in the classroom, often ignoring any misbehavior that may arise, and are inclined to view students as intimidating and unsatisfied with the experience.<sup>212</sup>

Authoritarian teachers have little engagement with students but nonetheless maintain strict disciplinary standards in the classroom.<sup>213</sup> They expect high achievement and assign grades appropriately, but tend to make no exceptions for rules or deadlines.<sup>214</sup> Authoritarian teachers are not nurturing, may ignore requests for help, and often do not provide any personal attention or encouragement to students.<sup>215</sup>

Authoritative teachers are those with a high level of responsiveness and involvement, combined with tough standards and fair discipline.<sup>216</sup> They care about their students and are willing to help, but are also cautious to maintain

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205. See, e.g., Bassett & Snyder, *supra* note 190, at 456 (“These findings offer further evidence for the utility of applying Baumrind’s . . . parenting style construct to university teachers.”); Bernstein, *supra* note 187 (“Like parenting styles, there appear to be four main teaching styles, each of which reflects a different blend of teacher involvement and teacher discipline.”).

206. Bernstein, *supra* note 187.

207. *Id.*

208. *Id.*

209. *Id.*

210. Bernstein, *supra* note 187.

211. *Id.*

212. *Id.*

213. *Id.*

214. Bernstein, *supra* note 187.

215. *Id.*

216. *Id.*

boundaries in terms of their time and energy.<sup>217</sup> Authoritative teachers reward good performance, not just effort, and they encourage students as needed.<sup>218</sup> “They think carefully about their rules and standards, announce them in advance, explain why they are necessary and enforce them consistently.”<sup>219</sup> But they are also willing to extend special dispensation if circumstances justify it under school policy.<sup>220</sup>

Helicopter parents and, by extension, helicopter professors, fall into one of two categories on the grid: they are either authoritarian or permissive.<sup>221</sup> Authoritative teachers, on the other hand, are preferred by students and often more effective.<sup>222</sup> One study asked college students to evaluate hypothetical teachers who were permissive, authoritarian, and authoritative.<sup>223</sup> Students rated

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217. *Id.*

218. Bernstein, *supra* note 187.

219. *Id.*

220. *Id.*

221. LYTHCOTT-HAIMS, *supra* note 67, at 148; *see also* discussion *supra* Part IV.D.

222. Bassett & Snyder, *supra* note 190, at 454.

223. *Id.* at 447. The descriptions provided to the students are as follows (with the caveat that the actual materials used either all female or all male pronouns):

Permissive: Dr. Smith is a 32 year old instructor, with a Ph.D., who has been teaching at the University level for the past five years. Letters of recommendation describe him/her as being very knowledgeable in his/her subject area. The grades in his/her classes are normally distributed, such that a C was the most common grade, with somewhat fewer students getting a grade of B or D, and fewer still getting a grade of A or F. In describing his/her teaching philosophy, he/she stated that in a well-run classroom the students should have their way as often as the instructor does. In past student evaluations, students indicate that he/she did what the students in the class wanted when making decisions but seldom gave students expectations and guidelines for their behavior. In addition, students stated that they could count on him/her to help them out if they had some kind of problem and that he/she was always helpful if there was something they did not understand.

Authoritarian: Dr. Smith is a 32 year old instructor, with a Ph.D., who has been teaching at the University level for the past five years. Letters of recommendation describe him/her as being very knowledgeable in his/her subject area. The grades in his/her classes are normally distributed, such that a C was the most common grade, with somewhat fewer students getting a grade of B or D, and fewer still getting a grade of A or F. In describing his/her teaching philosophy, he/she felt that most problems in a university could be solved by strictly and forcibly dealing with students when they don't do what they are supposed to do. In past student evaluations, students indicated that he/she often told them exactly what he/she wanted them to do and how he/she expected them to do it, but that he/she would get upset if they tried to disagree with him/her. In addition, students stated that if they had some kind of problem or if there was something they did not understand he/she expected them to figure it out on their own.

the authoritative professor higher in terms of quality, clarity, and helpfulness, and they expressed a higher likelihood of taking a class with that professor.<sup>224</sup>

Additionally, authoritative teachers “seem to promote competence in addition to well-being, engagement, and high hopes for the future.”<sup>225</sup> In one experiment, psychologists worked with seventh grade teachers who were providing written feedback on student essays.<sup>226</sup> After the teachers provided written comments that they would normally give, researchers attached a Post-it note to all the papers.<sup>227</sup> The first portion of the notes (the placebo group) read “I’m giving you these comments so that you’ll have feedback on your paper.”<sup>228</sup> The other portion of the notes (the “wise” feedback group) read “I’m giving you these comments because I have very high expectations and I know that you can reach them.”<sup>229</sup>

The teachers returned the essays to the students and gave them an opportunity to revise their work.<sup>230</sup> The number of students who opted to turn in a revised essay doubled in the “wise feedback group,” 80% as compared to just 40% of the placebo group.<sup>231</sup> And in a follow-up study with a different sample, students in the “wise feedback group” made twice as many edits as the students who received the placebo Post-it note.<sup>232</sup>

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Authoritative: Dr. Smith is a 32 year old instructor, with a Ph.D., who has been teaching at the University level for the past five years. Letters of recommendation describe him/her as being very knowledgeable in his/her subject area. The grades in his/her classes are normally distributed, such that a C was the most common grade, with somewhat fewer students getting a grade of B or D, and fewer still getting a grade of A or F. In describing his/her teaching philosophy, he/she stated that he/she had clear standards of behavior for the students in his/her classes. In past student evaluations, students indicated that he/she gave them direction for their activities but was always willing to listen to their concerns and to discuss the reasoning behind his/her policies. In addition, students stated that they could count on him/her to help them out if they had some kind of problem and that he/she was always helpful if there was something they did not understand.

*Id.* at 461-62.

224. *Id.* at 454.

225. DUCKWORTH, *supra* note 185, at 211–12, 218.

226. David Scott Yeager et al, *Breaking the Cycle of Mistrust: Wise Interventions to Provide Critical Feedback Across the Racial Divide*, 143 J. EXPERIMENTAL PSYCHOL.: GEN. 804, 808 (2014).

227. *Id.* at 808–09.

228. *Id.* at 809.

229. *Id.*

230. DUCKWORTH, *supra* note 185, at 219.

231. *Id.*

232. *Id.*

This is not to say that anyone can avoid being a helicopter professor merely by carefully drafting Post-it notes. Rather, these studies suggest that a simple message communicating high standards and encouragement can have a dramatic impact on students.<sup>233</sup> How much more of a difference can professors make if they adopt that approach in all aspects of their teaching—communicating high standards in an encouraging manner, and at the same time, avoid helicoptering or smothering their students?

B. *Practical Application: Authoritative Teaching*

With the ultimate goal of raising kids with a sense of self-efficacy,<sup>234</sup> parents are advised to avoid helicoptering by providing children unstructured time to play (or be bored); teaching them life skills like how to take care of a home or a vehicle; teaching them how to think for themselves, about school, about others, about their life; preparing them for hard work at school, at home, and in the job market; letting them chart their own path in terms of their interests and future plans; normalizing struggle as a part of life to help build resilience; and being available to listen to them.<sup>235</sup>

Parents are not raising “children;” they are raising adults—i.e. the end product of eighteen years of work is not to have a “child” but to have an adult who can interact successfully with the world.<sup>236</sup> So too, as legal educators, our job is not to teach “students,” but rather to help develop adults who can practice law with a sense of self-efficacy.<sup>237</sup> With the ultimate goal of developing self-sufficient attorneys in mind, law professors can tweak and apply the basic recommendations for avoiding helicopter parenting to the work that they do at school. To that end, here are some practical suggestions for resisting the urge to helicopter students.

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233. *Id.*

234. See LYTHCOTT-HAIMS, *supra* note 67, at 144 (noting “[s]elf-efficacy means having the belief in your abilities to complete a task, reach goals, and manage a situation.”).

235. See *generally id.* at 150–272 (discussing the various methods parents can co-opt to cultivate self-efficacy in their children).

236. See JIM HANCOCK, RAISING ADULTS: GETTING KIDS READY FOR THE REAL WORLD 6 (1999) (observing “North Americans spend eighteen to twenty-four years raising children. The problem is, when we’re done, that’s often what we end up with: children. Sure, they’re adults, but childish adults who are *painfully* underprepared for the real world.”) (emphasis added).

237. See, e.g., Judith L. Ritter, *Growin’ Up: An Assessment of Adult Self-Image in Clinical Law Students*, 44 AKRON L. REV. 137, 165 (2011) (stating “[l]egal educators can play a positive role in their students’ transition to adulthood.”).

### 1. Find the Desirable Level of Difficulty

Some level of difficulty and challenge is a necessary part of the learning process.<sup>238</sup>

The challenge is to find that balance between encouraging students to wrestle with complexity, and providing enough context so that students can find a way in to the complexity. This is a perennial problem for educators: when to guide, and when to encourage exploration. Paradoxically, too much direction and too little can stifle student engagement.<sup>239</sup>

Resist the temptation to step in too quickly when students are struggling with material or complaining that it is too difficult.<sup>240</sup> Be thoughtful about whether the task is, in fact, too difficult for students because they lack some prerequisite training.<sup>241</sup> But also be cognizant of students who are truly having difficulty with their work, as opposed to those who are merely slacking.<sup>242</sup> “If the task is appropriately difficult, communicate that to students and expect them to persist in seeking answers.”<sup>243</sup>

### 2. Remove Redundancies and Increase Student Accountability

“[H]elp students, but don’t teach helplessness.”<sup>244</sup> There are certain things in a law school classroom that students will be required to learn and do on their own, without professors stepping in to remind them or do it for them. To that end, post instructions and deadlines in a place they can be freely accessed by students, and then resist the urge to keep reiterating them.<sup>245</sup>

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238. See PETER C. BROWN ET AL., MAKE IT STICK: THE SCIENCE OF SUCCESSFUL LEARNING 68 (2014) (noting “[s]hort-term impediments that make for stronger learning have come to be called *desirable difficulties*. . .”).

239. Trainor, *supra* note 9.

240. Fang, *supra* note 32.

241. *Don’t Be a Helicopter Professor*, *supra* note 3.

242. *Id.*

243. Fang, *supra* note 32.

244. *Id.*

245. “Faculty must also have to ensure that it is not engaged in ‘helicopter teaching’ by repeatedly reminding students of academic deadlines, being available and reachable twenty-four hours a day, and repeatedly providing deadline extensions, rather than having their students fail at a given task.” Palmer, *supra* note 43, at 695; see also Fang, *supra* note 32 (acknowledging the utilization of online resources can save teachers from having to constantly reiterate class instructions).

Repeating instructions or other administrative material “creates work for yourself and creates clutter and distraction for students.”<sup>246</sup> Further, professors need not resend the syllabus when students request it; it is not unreasonable to expect them to locate a copy and find necessary answers using their own resourcefulness (like the course webpage or even a classmate).<sup>247</sup>

Allow students to face the consequences of failing to handle those responsibilities. “Lectures don’t have half the effect of consequences.”<sup>248</sup>

### 3. Use Scaffolds Sparingly

When introducing students to new material or tasks, professors may use some type of scaffolding—outlines of the learning process—to help students understand and connect the information and the steps necessary for the analysis.<sup>249</sup> Consider fewer process-related assignments whereby students receive professor feedback at every step of the process up to and including the final project.<sup>250</sup> Over time, reduce the number of, and detail in, the scaffolds so that students get a sense of completing the analysis or task independently.<sup>251</sup> “Like building skyscrapers, you start by having scaffolds, but eventually, you want to remove the scaffolds and let students stand on their own.”<sup>252</sup>

Instead, pose “essential questions” to students as a way of organizing their own learning.<sup>253</sup> “Thought-provoking and intellectually engaging, essential questions require higher-order thinking and point students toward important, transferable ideas.”<sup>254</sup> Ask questions that encourage student exploration into the material rather than providing “how to” instructions.<sup>255</sup> For example, “what rules of law need to be explained so that your audience can understand the legal

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246. *Don’t Be a Helicopter Professor*, *supra* note 3.

247. Fang, *supra* note 32.

248. DUCKWORTH, *supra* note 185, at 89.

249. See Christine M. Venter, *Analyze This: Using Taxonomies to “Scaffold” Students’ Legal Thinking and Writing Skills*, 57 MERCER L. REV. 621, 634 (2006) (advocating law professors “need to refocus their attention on specifically teaching analysis by providing students with schemata or scaffolds to enable them to structure and process their thoughts effectively.”); Suzanne R. Painter, *Improving the Teaching of School Law: A Call for Dialogue*, 2001 BYU EDUC. & L.J. 213, 223 (2001) (observing “providing students with a flow chart or some other scaffold that outlines an order of analysis may help them develop a systematic approach to analyzing possible legal problems.”).

250. *Don’t Be a Helicopter Professor*, *supra* note 3.

251. Fang, *supra* note 32.

252. *Id.*

253. Trainor, *supra* note 9.

254. *Id.*

255. See *id.*

argument you are making?” Or “which facts in the court’s opinion, if changed, would have resulted in a different outcome?” Using these types of questions can also give professors a sense of when and how additional guidance might be necessary, without simply resorting to helpful scaffolds-turn-crutches from the beginning.

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In the midst of these suggestions, professors and students should come to expect some level of chaos, but hopefully the good kind of chaos.<sup>256</sup> Uncertainty and vagueness are often part of the learning process.<sup>257</sup> In addition, reducing the amount of helicoptering may cause feelings of discomfort and doubt for a professor, especially in the face of potential student complaints or questions. Like many new endeavors that exceed an existing comfort zone, these practices will get easier and more natural over time.

### C. *Responding to Contextual Causes*

It is all well and good to have a list of things to do or not to do in order to combat helicopter tendencies. However, none of those behavioral changes negates significant societal and educational forces that encourage a desire to helicopter are still in place. Although professors cannot eliminate many of the contributing factors, they can work within the current system to alleviate or lessen the helicoptering thrust.

#### 1. Today’s Law School Students

As discussed above, today’s law students have unique generational characteristics that define them,<sup>258</sup> they often had helicopter parents,<sup>259</sup> and many grew up under the educational mandates of No Child Left Behind.<sup>260</sup> Each of these student traits makes it more likely that they will expect professors to engage in helicopter behavior throughout their educational experience. Law professors can help curb that notion by explicitly defining their expectations and simultaneously managing the students’.

During orientation with incoming law students, it behooves the institution to address the idea of helicoptering upfront and by name. In addition to welcoming them to the profession, law schools can advise new students that “they ought to work on seeing themselves as independent adults, responsible for their future

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256. *Don’t Be a Helicopter Professor*, *supra* note 3.

257. *See* Fang, *supra* note 32.

258. *See supra* Part II.A.

259. *See supra* Part II.B.

260. *See supra* Part II.C.

successes and failures and capable of playing a respected role in the profession.<sup>261</sup> While congratulating students on making it to law school, orientation should also be a time during which schools describe the hard work that lies ahead of them and their role and responsibility in their own education. For example: “yes, professors are here to help and guide you. But they may be more hands off than you are used to. Be prepared.”

Professors can also use the first day of class to explicitly define their expectations for student learning and performance.<sup>262</sup> Professors can establish their teaching style as authoritative from day one by reviewing teaching methods and goals and explaining that “the responsibility for learning lies with the students . . . and that much of this learning will have to take place independently.”<sup>263</sup> In addition to explaining the amount and type of work that students will face over the semester, professors could illustrate that on the first day with an in-class exercise designed to challenge students.<sup>264</sup> With respect to course policies, rules, and deadlines, explanations and answers that are “friendly, matter-of-fact, and without apology” set the tone for the firmness that students will encounter from an authoritative teacher.<sup>265</sup>

## 2. Today’s Law School Professors

In addition to being helicopter parents themselves,<sup>266</sup> many professors may be tempted to helicopter in the classroom as a way of garnering favorable student evaluations.<sup>267</sup> But being an authoritative professor does not necessarily equate with negative student evaluations.<sup>268</sup> Indeed, professors can have high expectations of their students, be demanding in terms of performance and effort

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261. Ritter, *supra* note 237, at 161.

262. *Beyond Best Practices*, *supra* note 166, at 416.

263. Douglas A. Bernstein, *Parenting and Teaching: What’s The Connection in Our Classrooms? - Pt. Two of Two: Ideas for Becoming an Authoritative Teacher*, PSYCHOL. TCHR. NETWORK (Dec. 2013) [hereinafter *Parenting and Teaching*], <http://www.apa.org/ed/precollege/ptn/2013/12/connection-classrooms.aspx>.

264. *Beyond Best Practices*, *supra* note 166, at 419.

265. *Parenting and Teaching*, *supra* note 263.

266. *See supra* Part III.B.

267. *See supra* Part III.A.

268. *See supra* notes 223-24 (discussing research regarding college student preferences for different teaching styles).

expected,<sup>269</sup> or even ban laptops in class<sup>270</sup> without necessarily seeing a detrimental impact on their evaluation scores. Although better evaluations may not always follow an authoritative teaching style, the “like me” mentality should not drive the pedagogical decisions made in the classroom.

Being liked or admired by students is not necessarily an invalid goal. But there are ways to be engaged with students that do not involve modifying classroom procedure to the detriment of student learning. Professors could, for example, make an effort to be involved in student organizations or otherwise interact with them outside of the classroom at various law school functions. Those efforts go a long way toward developing positive relationships with students, and in fact may serve to enhance the respect and atmosphere of the classroom.

### 3. Today’s Law School Environment

The declining enrollment<sup>271</sup> and lower academic credentials of incoming students<sup>272</sup> may further encourage helicopter professorship as a way of assisting students who need more academic help. And indeed, professors may need to modify some of their classroom techniques or material if students lack some of the prerequisite skills or knowledge to move forward.<sup>273</sup> But again, there is a fine line between providing too much guidance (helicoptering) and not providing enough (neglecting).<sup>274</sup> Professors will need to thoughtfully assess, perhaps in conjunction with academic support personnel, the abilities of their students to find that line.

The assessment movement in law schools may also encourage some professors to helicopter students by “teaching to the test.”<sup>275</sup> But that effect does not necessarily follow. Indeed, the assessment requirements can actually *help* professors avoid helicoptering because it requires them to be deliberate and thoughtful about their courses. Professors could perhaps make an explicit learning outcome for their course related to students being self-directed learners

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269. See, e.g., Deo, *supra* note 116, at 34 (“Interestingly, [one professor’s] students note that he is challenging as a professor, but do not complain or push back against the high expectations he sets; instead, they appreciate him for it.”).

270. See, e.g., Yamamoto, *supra* note 115, at 505 (“My evaluations did not suffer and may have increased because of the laptop ban.”).

271. See *supra* Part IV.A.

272. See *supra* Part IV.B.

273. See *Don’t Be a Helicopter Professor*, *supra* note 3 (stating “[d]ebilitating difficulty (students lack the prerequisite skills) and undesirable difficulty (in technology use, course design) should be discouraged. . . .”).

274. See Trainor, *supra* note 9.

275. See *supra* Part IV.C.

or independent thinkers or creative problem-solvers. Once the learning outcome is defined, professors work backward to structure their course so that students have the opportunity to practice and master that particular skill.

The same is true of the teaching-and-learning scholarship that encourages professors to try different teaching methods in their classrooms.<sup>276</sup> The research on effective teaching practices has tremendous possibility for enhancing the law school classroom. But as with assessment, the literature on innovating teaching can also encourage helicopter behavior by suggesting that professors provide too much guidance or too many rubrics. To be sure, some helicopter-like activities may be appropriate in the right time and the right doses. The art is in the balance—finding the sweet spot of effective and efficient guidance but still leaving enough room for students to err and self-correct.<sup>277</sup>

#### CONCLUSION

Although parenting literature may be an unlikely source from which to draw inspiration for teaching law students, the helicoptering behavior in some professors mirrors that seen in many of today's parents. For both groups, the behavior is usually motivated by a genuine desire to help and to nurture those in their care. But in both populations, the behavior has detrimental and counterproductive effects.

The contributing factors for helicopter professoring are not necessarily things that can be changed right now. However, professors can work within the current system and with the current student body to strengthen the resolve for authoritative professoring.

The admonition is to not throw the baby out with the bathwater.<sup>278</sup> With generational research, with assessment, with teaching-and-learning scholarship, with student evaluations, and even with academic support ideas, a thoughtful approach and deliberate choices about what to incorporate into a classroom will make the difference. But it should be more than just rote application of a checklist in a law review article, even this one.

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276. *See supra* Part IV.D.

277. “The more that law students can learn particular concepts by uncovering them on their own, the better that information will imprint on students.” *The Pink Tower*, *supra* note 166, at 637.

278. Though have no fear, a helicopter parent would never dream of throwing out the baby.