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The Pandemic and Resisting the Lure of the 24/7 Legal Writing Professional

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Like most of my colleagues who switched to Zoom classes almost overnight in March 2020, my life changed very dramatically when quarantine began. The various conferences I had planned to attend fell like dominoes, and our University announced a policy that it would not approve any travel for the foreseeable future. The school was locked down overnight. Thus, with all of my plans cancelled indefinitely (including going anywhere at all), I was left with a lot of scheduled time that suddenly became unscheduled time. Because I have only adult children, my unscheduled time, not surprisingly, was mostly dedicated to teaching and attending the seemingly endless meetings that could now be scheduled at any time because of Zoom. In fact, during the first month of quarantine, my meeting schedule quadrupled immediately as we worked through how our law school would deal with remote learning and student needs.

As my meeting schedule increased, so did the adrenaline that came from being in crisis mode. It was not merely that I felt needed, but I felt essential not only to the law school but in keeping my students afloat in uncertain times. Now, with live classes likely for most in Fall 2021, we need to shift away from essential, 24/7 mode—making sure that the heightened performance from this heightened period of time does not become an expectation.

When the school year began remotely in Fall of 2020, I was well entrenched in being the 24/7 Legal Writing professor and law school citizen. Not that I was ever the irresponsible colleague or a professor who was known to give students the short shrift, but the lack of what had been workplace physical boundaries combined with physical boundaries made for limitless availability. The pandemic itself evoked heightened compassion and the tendency many of us have to never say no to any request to someone in need.

If a student wanted to meet with me, I provided a nearly open calendar of availability. I critiqued papers and portions of papers like a machine, often providing feedback to a student two or three times during a day. I took on an overload of upper-level students who were understandably stressed about writing law review notes, and then I spent hours reading almost full papers where I personally corrected citation format in thousands of footnotes. I volunteered for more committees, and when I received a Doodle Poll about meeting availability, I pretty much checked all of the boxes. The speed at which I answered most of my emails often resulted in getting even more follow-up emails and other committee assignments.

I don't regret having become the 24/7 law school citizen in response to what has been a global crisis. I imagine that most Legal Writing professors, those who specialize in doing more than their fair share,¹ also went above and beyond during the pandemic. The students *needed* as many of us as possible to do this. Frankly, our law schools did as well.

However, as we emerge from the worst of the pandemic with most schools set on holding live classes for Fall 2021, I fear that we may have made the exception the norm. I fear that not only will our institutions and students anticipate this heightened level of performance, but that we will expect it of ourselves. That would be a mistake. Even if we don't return to any type of true normal for the foreseeable future, we must prepare our students for what will be more of the normal world outside of quarantine. We must also spare ourselves to an extent.

Compassion fatigue is a very real phenomenon that is not new for teachers² and, in particular, Legal Writing professionals. Anyone who has been teaching Legal Writing for any length of time is familiar with attempting to "do it all" — to teach, to advise student organizations, to continually prove one's merit to one's colleagues, to write, to serve on various committees, and often to be the person who does it all for friends and family as well. It is generally the hardest

¹ Maureen J. Arrigo, *Hierarchy Maintained: Status and Gender Issues in Legal Writing Programs*, 70 TEMP. L. REV. 117, 161 (1997).

² Patrice Pusko & Whitney Kilgore, *Burned-Out: Stories of Compassion Fatigue*, EDUCAUSE REV. (Dec. 1, 2020), <https://er.educause.edu/blogs/2020/12/burned-out-stories-of-compassion-fatigue>.

workers and most empathetic people who pursue Legal Writing as a career, and the “burn out” factor is one that is well-known in the profession.³

Like in any beneficial relationship, the key to returning to a type of normalcy in the fall will be to draw boundaries. This might seem like a simple solution, and it is. But the key will be to enforce those boundaries, especially in relation to placing limitations on ourselves. Without doing so, we run the risk of our own burnout.⁴ Although many in Legal Writing may have a hard time jumping on the “self care” bandwagon, at least some self care is necessary to sustain ourselves as we move in into the new normal of legal education.

My own list includes the following, which I must repeat to myself on a frequent basis:

- **Do not work seven days a week.** This is a rule that has always been an appropriate one, but the confined nature of quarantine often made for a work week that really did not have distinct work days or down time.
- **Set limited office hours, or hours when scheduling appointments.** Even if Zoom appointments continue as being part of the norm, make sure that there is a limitation on when those appointments can be scheduled.
- **Set a schedule for checking emails.** Try to avoid checking them continuously and try to refrain from answering everything immediately. The more immediate the answer, the more immediate might be another email to be answered.
- **Place a limitation on how open-ended a student’s request for feedback can be, and how many times you will provide feedback on a student’s paper.** Avoid the trap of the “pre-graded” assignment with the zealous student who is capable of sending three to four drafts during a day and asking for further guidance.
- **Place limitations on the amount of feedback that will be given in the 48 hours before an assignment is due.** Invariably, half the class might have just started writing their papers and asking if they are “on the right

³ See Jan Levine, *Voices in the Wilderness: Tenured and Tenure-Track Directors and Teachers in Legal Writing and Research Programs*, 45 J. LEGAL EDUC. 530, 549 (1995).

⁴ Deborah L. Borman distinguishes between compassion fatigue and burnout: burnout is the exhausting of physical or emotional strength or motivation, the result of prolonged stress or frustration, after stress builds to a breaking point. By contrast, compassion fatigue is marked by a rapid onset of symptoms and is likely to be more pervasive. See *Groundhog Day 1L Edition: Coloring Mandalas to Relieve Secondary Stress*, THE LEARNING CURVE, Summer 2016, at 10-12. THE LEARNING CURVE is a publication of the AALS Section on Academic Support.

track.” The diligent Legal Writing professor will often spend hours trying to help re-write a poorly constructed draft that can’t possibly be perfected in the single day before it is due.

- **If you are a fast grader, wait a while to return graded papers.** Do not return them immediately just to impress your students with your ability to provide feedback quickly. Returning assignments early builds up an expectation that all papers will be graded quickly and also invites more questions, clarifications, and often complaints. Students should not be denied feedback on papers when it is needed for the next skill-building assignment, but avoid setting the expectation of immediacy for both your students and yourself.⁵
- **Do not check all boxes on a Doodle poll for availability (even if you are available).** It’s okay to say that you’re not available for an 8 a.m. meeting on Friday.
- **Do not volunteer for every activity sent out by the law school administration.** Likewise, do not attend every event hosted by the law school or a student group or the law school alumni.
- **Work on adhering to deadlines.** All of us have gone through a rough year, and the situation warranted extending guidelines or overlooking things we might have penalized in the past. However, the real world will not be as compassionate as we move away from quarantine.
- **Overall, do not feel guilty.** The lure of the 24/7 law professor is an enticing one, but not the most beneficial one for longevity in the profession.

The pandemic is not over yet, and some classes will be online. It will be a long time before society goes back to normal, if ever. However, we must work our way into non-crisis mode as we develop the transition into what will be the new normal after being in major crisis mode.

⁵ Most Legal Writing professionals are aware that there should be a limitation on how many lengthier or complicated assignments should be critiqued in a day in order to stay “fresh” and be able to remain competent. Students do not necessarily understand the distinction between an assignment that is easier to grade (citation or fill-in-the-blank) and one that is mentally draining. Thus, it is best not to set yourself up for completing all grading at a schedule that may be undoable, unreasonable, and even unfavorable for the students.