

COVID-19 PANDEMIC AND LAW STUDENT CAREGIVING

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I. INTRODUCTION

The COVID-19 pandemic demanded flexibility and resilience in the face of seemingly unending uncertainty and hardship.¹ Although every law student felt the influence of the pandemic on their educational experience, certain groups of students had to make more complicated adjustments to their multi-faceted lives.² Law students who were parents or who provided care for other individuals living in their households had to adapt to changes in legal education alongside the changes brought on by virtual school, virtual medical appointments, and the foreign inconveniences of previously familiar routines like acquiring groceries and securing childcare.³

The annual Law School Survey of Student Engagement (LSSSE) has been surveying law students on many different aspects of the law school experience since 2004.⁴ In addition to questions about classroom habits and satisfaction with various parts of their educational experiences, LSSSE asks students about how they spend their time during an average week, including how many hours they spend working, socializing, preparing for

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1. See JACQUELYN PETZOLD, MEERA E. DEO & CHAD CHRISTENSEN, THE L. SCH. SURV. OF STUDENT ENGAGEMENT, LSSSE 2022 ANNUAL REPORT: SUCCESS WITH ONLINE EDUCATION 5 (2022), <https://lssse.indiana.edu/wp-content/uploads/2022/10/Success-with-Online-Education-Final-10.26.22.pdf> [<https://perma.cc/TE88-4L8Y>].

2. See ORG. FOR ECON. CO-OPERATION AND DEV., THE IMPACT OF COVID-19 ON STUDENT EQUITY AND INCLUSION: SUPPORTING VULNERABLE STUDENTS DURING SCHOOL CLOSURES AND SCHOOL RE-OPENINGS 2 (2020), https://read.oecd-ilibrary.org/view/?ref=434_434914-59wd7ekj29&title=The-impact-of-COVID-19-on-student-equity-and-inclusion [<https://perma.cc/FXY4-AXVR>].

3. See Federica Dellafiore et al., *The Impact of COVID-19 Pandemic on Family Caregivers' Mental Health: A Rapid Systematic Review of the Current Evidence*, 93 ACTA BIOMED 1, 2 (2021).

4. *Who We Are*, LSSSE, <https://lssse.indiana.edu/who-we-are/> [<https://perma.cc/E6HE-DPPG>] (last visited Oct. 7, 2023).

class, sleeping, and exercising.⁵ One of these questions asks about how many hours students spend providing care for dependents living with them (parents, children, spouse, etc.) on a weekly basis.⁶ This allows us to examine how the experiences of law students who have people who depend on them at home differ from the experiences of law students who do not.

In this analysis, we have divided the law student population into “no caregiving” (zero hours per week), “some caregiving” (1-30 hours per week), and “high caregiving” (more than 31 hours per week). Certainly, the presence or absence of dependents in the home cannot completely explain the law school experience in isolation since the choices people make about how and why they enroll in law school are correlated to some degree with other demographic factors.⁷ For example, there are all sorts of reasons why the experience of a young, single full-time law student without children is likely very different from that of an older, married part-time law student with children.⁸ However, given the demands that the COVID-19 pandemic placed on caregivers across the globe, we want to provide some context for how caregiving affected law students’ stress levels, their perception of the support provided by their law schools, and their overall satisfaction with the law school experience.⁹ We show that attending law school is indeed different for people whose identities are shaped at least in part by their relationships with others who require their regular presence and care.

II. DEMOGRAPHICS OF CAREGIVING

Although the work- (and study-) from-home transition triggered by the pandemic brought the existence of our household members more obviously into our professional and educational spheres, law students have long been caring for children, spouses, parents, and others.¹⁰ In 2004, just over a third (35%) of law students spent at least one hour per week providing care for

5. Jakki Petzold, *Work/Life Balance*, LSSSE, <https://lssse.indiana.edu/tag/work-life-balance/> [<https://perma.cc/HK65-4FCY>] (last visited Oct. 7, 2023).

6. *Id.*

7. See Stephen Daniels & Shih-Chun Chien, *Guest Post: Beyond Enrollment: Why Motivations Matter to the Study of Legal Education and the Legal Profession?*, LSSSE: BLOG (Sept. 24, 2020), <https://lssse.indiana.edu/blog/guest-post-beyond-enrollment-why-motivations-matter/> [<https://perma.cc/T6XC-9W3T>].

8. See Morgan Stone, *A Growing Minority – Law Students with Children*, 36 STUDENT LAW. 21, 21 (2007).

9. See Petzold, *supra* note 5; see also Dellafiore et al., *supra* note 3, at 2, 8.

10. See Stone, *supra* note 8.

dependents who live with them.¹¹ By 2021, that number climbed to two in five law students (42%).¹² Certain groups of law students are more likely than others to have ongoing responsibilities to provide care for others, and the intensity of the caregiving load also varies among students.¹³ For example, women are slightly less likely than men or people of other gender identities to have no caregiving duties and slightly more likely to have a high caregiving load.¹⁴ Around 9% of women law students spend over thirty hours per week on caregiving duties compared to 6% of male law students and 5% of law students of other gender identities.¹⁵

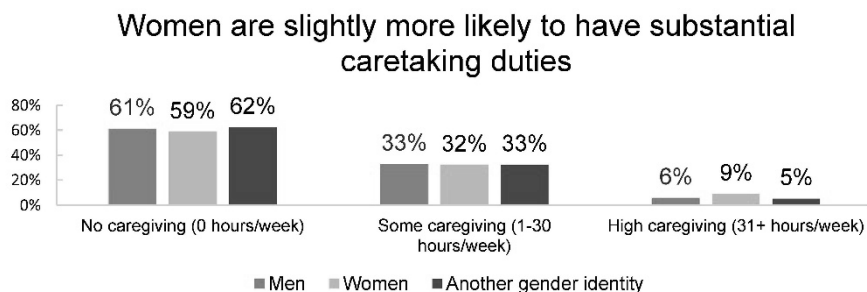


Fig. 1¹⁶

People tend to accumulate dependents across their lifespans through some combination of partnering with another person, having children, and helping aging parents.¹⁷ Most law students under age thirty do not spend time caring for others during the week, while most law students over thirty do.¹⁸ In fact, half of students over age forty spend between one and thirty hours per week caring for somebody else in their household, and another

11. THE L. SCH. SURV. OF STUDENT ENGAGEMENT, LSSSE 2004 ANNUAL SURVEY RESULTS: STUDENT ENGAGEMENT IN LAW SCHOOLS: A FIRST LOOK 9 (2004), <https://lssse.indiana.edu/wp-content/uploads/2016/01/LSSSE-2004-Annual-Survey-Results.pdf> [<https://perma.cc/MVK3-8VG6>].

12. MEERA E. DEO, JACQUELYN PETZOLD & CHAD CHRISTENSEN, THE L. SCH. SURV. OF STUDENT ENGAGEMENT, LSSSE 2021 ANNUAL REPORT: THE COVID CRISIS IN LEGAL EDUCATION 11 (2021), <https://lssse.indiana.edu/wp-content/uploads/2015/12/COVID-Crisis-in-Legal-Education-Final-1.24.22.pdf> [<https://perma.cc/TNA3-Q3DF>].

13. See Jakki Petzold, *Time Use*, LSSSE, <https://lssse.indiana.edu/tag/time-use/> [<https://perma.cc/P8FE-PAX3>] (last visited Oct. 7, 2023).

14. DEO et al., *supra* note 12.

15. *Id.*

16. *Id.*

17. See Petzold, *supra* note 5.

18. See Petzold, *supra* note 13.

quarter spend more than thirty hours per week on care tasks.¹⁹ About a quarter (27%) of students under age twenty-six have a moderate caregiving load (1-30 hours per week), but less than 2% spend more than thirty hours per week caring for others.²⁰

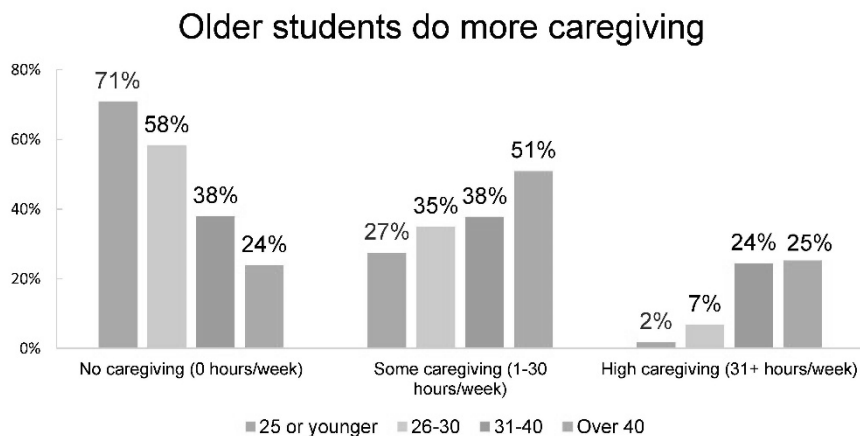


Fig. 2²¹

First-generation students—those law students whose parents do not have a bachelor's degree²²—are much more likely to have dependent care duties than their non-first-generation classmates.²³ Thirteen percent of first-generation students spend more than thirty hours per week caring for others compared to only 6% of continuing-generation students.²⁴ Thus, in addition to navigating the potentially unfamiliar terrain of higher education, first-generation students are also more likely to be managing demanding care responsibilities at home.

19. DEO et al., *supra* note 12; *see also* Petzold, *supra* note 13.

20. DEO et al., *supra* note 12.

21. *Id.*

22. Melissa A. Hale, *Guest Post: The Importance of Supporting First-Generation Law Students*, LSSSE, <https://lssse.indiana.edu/tag/first-generation/> [<https://perma.cc/UJ7D-2538>] (last visited Oct. 7, 2023).

23. *Id.*

24. *Id.*

First-generation students spend substantially more time on care tasks

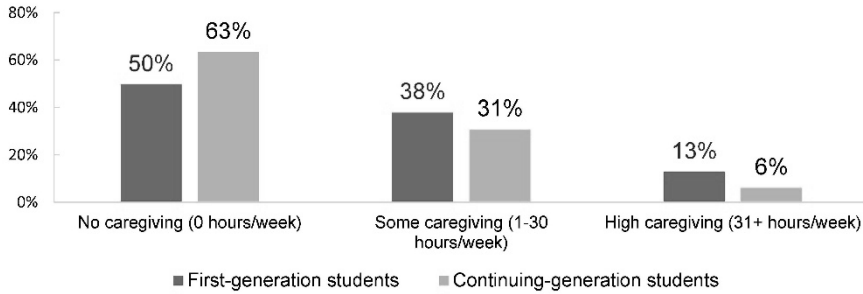


Fig. 3²⁵

Perhaps unsurprisingly, part-time students are more likely than full-time students to spend significant amounts of time caring for others during the average week.²⁶ Nearly two-thirds (63%) of full-time students have no caregiving duties compared to only 36% of part-time students.²⁷ A mere 5% of full-time students spend more than thirty hours on caregiving tasks compared to almost one-quarter (23%) of part-time students.²⁸

Part-time students are more likely to have substantial caregiving duties

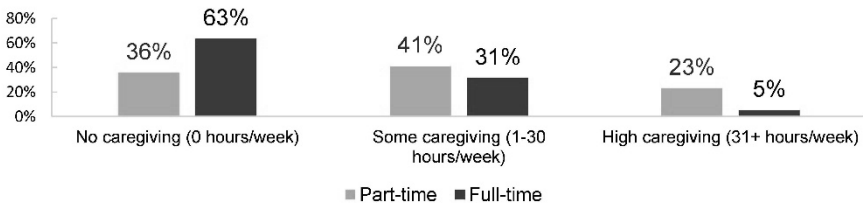


Fig. 4²⁹

25. DEO et al., *supra* note 12.

26. Jakki Petzold, *Time Spent Caring for Others, Part 1*, LSSSE: BLOG (Aug. 24, 2020), <https://lssse.indiana.edu/blog/time-spent-caring-for-others-part-1/> [<https://perma.cc/QPG9-FDYS>].

27. DEO et al., *supra* note 12.

28. *Id.*

29. *Id.*

White students are more likely than non-white students to have no caregiving duties.³⁰ Nearly two-thirds of white students spend zero hours per week providing care compared to only about half of students from other racial and ethnic groups.³¹ Notably, American Indian, Alaska Native, and Black or African American students are more likely than other students to have demanding caregiving responsibilities, with about 16% of students from these groups providing more than thirty hours of care per week compared to only 7% of white students and 6% of Asian or Asian-American students.³²

Students of color are more likely to be caring for dependents

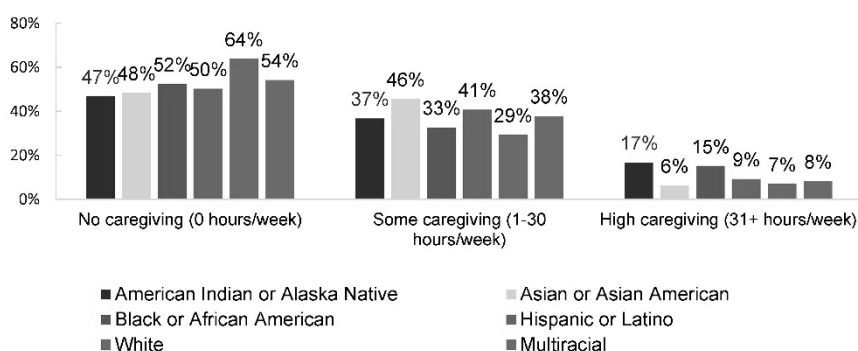


Fig. 5³³

Students from historically marginalized groups (female, first-generation students, and people of color) are more likely than their less marginalized classmates to be caregivers and thus are likely to face more complications from the difficulties brought on by major global shifts in domestic patterns such as those caused by the COVID-19 pandemic.³⁴ However, as we see in the next section, the divided attention and the different life priorities of caregiver law students may have been a protective

30. *Id.*; see also Emma Armstrong-Carter et al., *A University-wide Survey of Caregiving Students in the US: Individual Differences and Associations with Emotional and Academic Adjustment*, 9 HUMANITIES & SOC. SCIS. COMM'NS 1, 2 (2022).

31. DEO et al., *supra* note 12.

32. *Id.*

33. *Id.*

34. See Armstrong-Carter et al., *supra* note 30.

factor in some respects in terms of maintaining these students' satisfaction with the law school experience.³⁵

III. CAREGIVING AND THE LAW SCHOOL EXPERIENCE

Examining the last few years of LSSSE data reveals the substantial disruption that the COVID-19 pandemic caused for law students and legal education.³⁶ We witnessed a significant decline in the mental, emotional, and physical health of the majority of law students.³⁷ The students who were most impacted were disadvantaged and underrepresented students—students of color, women, part-time students, and first-generation college students.³⁸ As we note above, these groups are the students who are more likely to be caregivers and also more likely to be full-time caregivers.³⁹ They therefore have greater competing demands vying for their time and are less able to devote time to law school activities – both in and out of the classroom. During the pandemic, caregiving duties increased for many law students, likely due to school and childcare closures.⁴⁰ Forty-two percent of law students reported spending significantly more time caring for dependents and others during COVID than before the pandemic, including roughly half (48%) of all women compared with one-third (34%) of men.⁴¹

We want to understand how stress and anxiety impacted law students during COVID and whether there was a differential impact on caregiving and non-caregiving law students. We also look at levels of satisfaction with legal education and at key aspects of the law school experience. There are only so many hours in the week—how do law students balance all of their responsibilities while also engaging in meaningful and enriching activities that will foster their development as future lawyers?

IV. STRESS

Stress for law students is notoriously high.⁴² However, LSSSE data shows that COVID exacerbated these already high stress levels.⁴³ In 2019,

35. See DEO et al., *supra* note 12.

36. See generally *id.*

37. *Id.* at 11.

38. *Id.* at 11-12.

39. Armstrong-Carter et al., *supra* note 30.

40. See Molly Lipkin & Franci Crepeau-Hobson, *The Impact of the COVID-19 School Closures on Families with Children with Disabilities: A Qualitative Analysis*, 60 PSYCH. SCHS. 1544, 1545 (2022).

41. DEO et al., *supra* note 12, at 11.

42. Jakki Petzold, *Law Student Stress and Anxiety*, LSSSE: BLOG (May 11, 2022), <https://lssse.indiana.edu/blog/law-student-stress-and-anxiety/> [https://perma.cc/HA95-XXXK].

50% of all law students reported high levels of stress and anxiety (6 or higher on a 7-point scale).⁴⁴ Surprisingly, the group reporting the least amount of stress were those law students who had a full-time caregiving load (31+ hours/week).⁴⁵ This pattern changed dramatically just two years later after the first wave of the pandemic took its toll.⁴⁶ For all students, stress jumped between 10 and 20 percentage points in just two years (2019-2021) with caregivers seeing a noticeably higher jump than those students without a caregiving load.⁴⁷ The percentage of non-caregivers with high stress levels jumped from 50% in 2019 to 61% in 2021.⁴⁸ The percentage of students with moderate caregiving responsibilities (1-30 hours per week) and high stress levels jumped from 52% in 2019 to 67% in 2021.⁴⁹ The most dramatic increase came from those with full-time caregiving loads.⁵⁰ Prior to the pandemic, full-time caregivers reported having the least amount of stress of the three groups (43% were highly stressed) in 2019.⁵¹ By 2021, a full 65% of law students with high caregiving loads reported high levels of stress and anxiety, an astonishing jump of twenty percentage points in just two years.⁵²

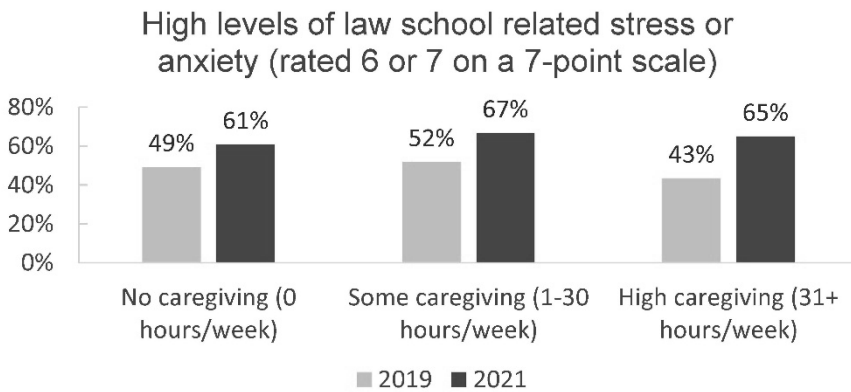


Fig. 6⁵³

43. *Id.*

44. *Id.*

45. DEO et al., *supra* note 12.

46. *Id.*

47. *Id.*

48. DEO et al., *supra* note 12.

49. *Id.*

50. *Id.*

51. *Id.*

52. *Id.*

53. *Id.*

As noted above, students reported additional responsibilities to care for dependents during the COVID disruption.⁵⁴ The impact on the quality of life of law students is clear: for all students stress and anxiety jumped considerably during COVID, and the increase was particularly pronounced for caregivers.

V. SATISFACTION

Despite the differential in stress levels, law students of all caregiver levels report similar, but not identical, levels of satisfaction with the law school experience.⁵⁵ Interestingly, full-time caregivers report highest levels of satisfaction in two key areas: 81% of full-time caregivers report their entire educational experience at law school as “good” or “excellent” compared to 79% of non-caregivers.⁵⁶ Likewise, 86% of full-time caregivers would choose to pursue a law degree if they could start over compared to 78% of non-caregivers.⁵⁷ This is good news for all law students. Law students have long been overwhelmingly satisfied with their law school experience, and we noticed very little change in this during the pandemic.⁵⁸ This speaks volumes to the efforts of law school staff and faculty as they made a sharp pivot to adjust to the impact of the pandemic on legal education.

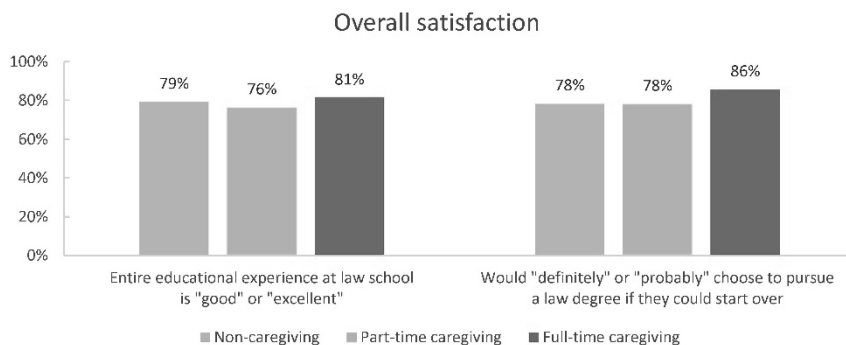
54. See Timothy Casey, *Reflections on Legal Education in the Aftermath of a Pandemic*, 28 CLINICAL L. REV. 85, 100 (2021).

55. Jakki Petzold, *Time Spent Caring for Others, Part 2*, LSSSE (Sept. 7, 2020), <https://lssse.indiana.edu/blog/time-spent-caring-for-others-part-2/> [https://perma.cc/BR4R-VPCB].

56. DEO et al., *supra* note 12. .

57. *Id.*

58. Jakki Petzold, *Part 1: The COVID Crisis in Legal Education: Impact on Core Mission and Enriching Experiences*, LSSSE: BLOG (Feb. 23, 2022), <https://lssse.indiana.edu/blog/part-1-the-covid-crisis-in-legal-education-impact-on-core-mission-and-enriching-experiences/> [https://perma.cc/Z6BZ-6BW4].

Fig. 7⁵⁹

VI. LAW SCHOOL SUPPORT

Law students of all caregiving levels feel well-supported in the academic realm at their law schools, though we saw small declines in perceived support from 2019 to 2021 for all caregiving levels.⁶⁰ Interestingly, students with caregiving responsibilities feel slightly more supported than their non-caregiving counterparts.⁶¹ In 2019, 71% of law students with a full-time caregiver load reported that their law school provided significant support to help students succeed academically.⁶² That number stayed above 70% in 2021.⁶³ However, a larger dip in perceived support was seen by law students in the part-time caregiver and non-caregiver groups.⁶⁴ In 2021, only around 65% of part-time and non-caregivers reported significant academic support from their law schools.⁶⁵ Still, academic support stayed relatively high even during the pandemic, with around two out of three law students feeling well-supported in their academic pursuits.⁶⁶

The LSSSE Survey also asks students how much support their law school provides to help them cope with non-academic responsibilities

59. DEO et al., *supra* note 12.

60. *Id.*

61. Jakki Petzold, *Law School Support for Non-Academic Responsibilities*, LSSSE: BLOG (Apr. 24, 2023), <https://lsse.indiana.edu/blog/law-school-support-for-non-academic-responsibilities/> [<https://perma.cc/3ANX-S83F>].

62. DEO et al., *supra* note 12.

63. *Id.*

64. *Id.*

65. *Id.*

66. *Id.*

(work, family, etc.).⁶⁷ This support is particularly important given that law students reported an increase in caregiving duties during the pandemic and that law students who are caregivers tend to be more likely to work for pay than their non-caregiving counterparts.⁶⁸ Students with the most intense caregiving loads are slightly more likely than others to feel that their law school emphasizes helping them cope with their non-academic responsibilities.”⁶⁹ In 2021, 31% of full-time caregiver law students reported that they felt well-supported compared with 27% of part-time caregivers and 26% of non-caregivers.⁷⁰ However, at the other end of the scale, caregiving students are also slightly more likely to be highly dissatisfied with their law school’s support for non-academic responsibilities. Thirty-eight percent of students with dependents say their law school provides “very little” support for non-academic responsibilities compared to 35% of students without dependents. Satisfaction with support for non-academic responsibilities likely varies tremendously based on law students’ needs and life circumstances.

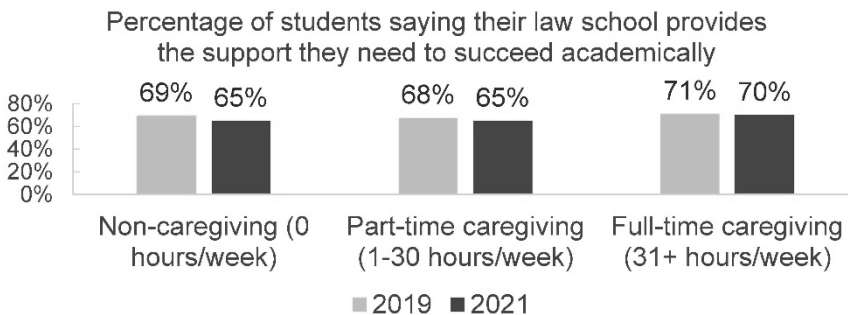


Fig. 8⁷¹

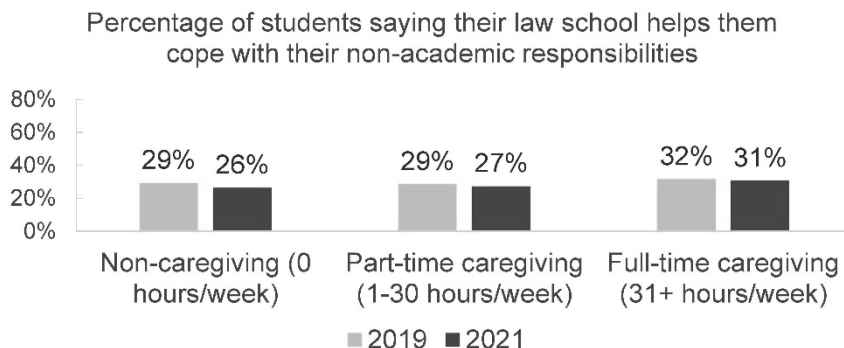
67. Petzold, *supra* note 61.

68. Petzold, *supra* note 55.

69. Petzold, *supra* note 61.

70. DEO et al., *supra* note 12.

71. *Id.*

Fig. 9⁷²

VII. LAW SCHOOL ACTIVITIES

Caregivers and non-caregivers differ in how they spend their time during an average week. Those without dependents tend to have more leisure time for activities such as exercising, while those with dependents are more likely to work for pay and have longer commutes. This indicates that students with caretaking responsibilities sacrifice self-care activities to meet the needs of their dependents and their duties as law students. Due to competing responsibilities, caregivers spend considerably less time socializing with peers, and the percentage drops as caregiver responsibility increases.⁷³ Nearly two-thirds (62%) of non-caregiving law students spend more than five hours a week socializing compared to 50% of students with moderate caregiving loads and 41% of students with high caregiving loads.⁷⁴ However, although caregivers spend less time socializing, they remain almost equally invested in participating in law school activities overall.⁷⁵

Therefore, the competing responsibilities of being a caregiver and law student require a significant investment of time, which could otherwise be spent on studying for class, working with faculty on a project outside of class, or even engaging in leisure activities. Instead, these students are taking care of their families and loved ones.

Caregivers have historically spent significantly more time commuting to class than non-caregivers, but the switch to online learning meant that

72. *Id.*

73. *See id.*

74. DEO et al., *supra* note 12; *see also* Petzold, *supra* note 55.

75. Petzold, *supra* note 55.

this number dropped considerably during the pandemic for all groups.⁷⁶ In 2019, 50% of all caregivers reported commuting more than five hours a week. During the pandemic this number dropped to below 15%.⁷⁷

Clearly, the way students spend their time varies depending on whether they spend time caring for others during the week, even though both groups are remarkably similar in stress levels and overall satisfaction.⁷⁸ Students with caregiving responsibilities are more likely to be more deeply embedded in their communities, spending more time working for pay and participating in community organizations than students without dependents. This means caregiving law students may draw on different strategies and sources of support relative to students without caregiving responsibilities.

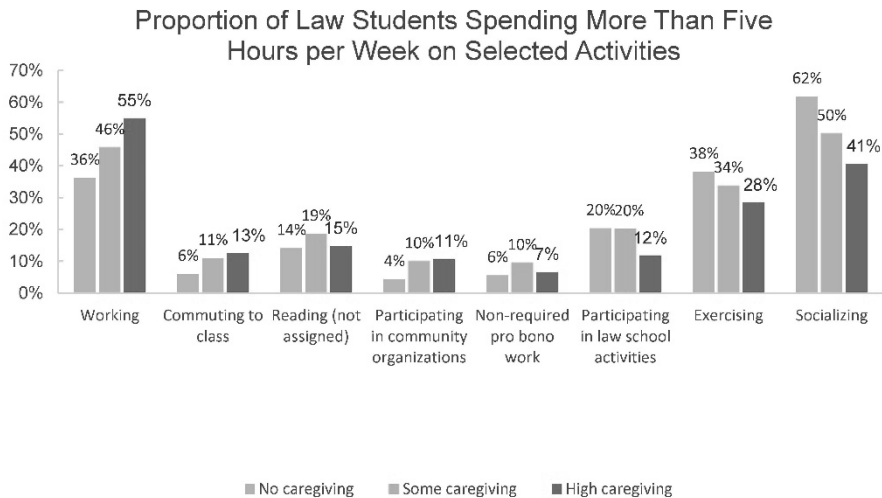


Fig. 10⁷⁹

VIII. CONCLUSION

The pandemic had an effect on virtually all aspects of legal education and the law student experience.⁸⁰ Law schools were challenged to make significant changes to teaching paradigms, online education, and support

76. DEO et al., *supra* note 12; *see also* Yvonne M. Dutton et al., *Assessing Online Learning in Law Schools: Students Say Online Classes Deliver*, 96 DENV. L. REV. 493, 521 (2019).

77. DEO et al., *supra* note 12.

78. Petzold, *supra* note 55.

79. DEO et al., *supra* note 12.

80. *See* DEO et al., *supra* note 12, at 5.

for law students.⁸¹ Law students faced greater challenges than ever before: from how they learn in an online environment to facing greater financial insecurities and suffering from mental, emotional, financial, and physical hardships that directly impacted their academic performance.⁸² In a COVID world, the need to be a greater caregiver to loved ones was felt almost universally. This call was answered by law students as well, with 42% of law students reporting increased caregiving responsibilities during the pandemic.⁸³

Though stress and anxiety levels increased for all law students, LSSSE data show that caregivers saw the highest jump in stress levels compared to other groups.⁸⁴ Surprisingly, caregivers also feel most satisfied and supported by their law school on a number of dimensions.⁸⁵ Disadvantaged and underrepresented students are more likely to be caregivers and many competing interests vie for their time and energy.⁸⁶ The trade-off appears to be that caregiving students have less time for self-care activities and thus their success likely comes at a high personal cost.⁸⁷ This echoes pre-pandemic findings about the high cost of women's success, and it is likely equally true that first-generation, non-white, and part-time students make higher short-term sacrifices in the pursuit of longer-term educational goals than their more privileged classmates.⁸⁸ Clearly, these students need additional support from law schools to ease the burden and to make the experience of attending law school a more restful, humane endeavor.

However, overwhelmed as they were by other aspects of their lives, caregivers may have found some respite in their additional identity as law students. Attending class and participating in law school life likely gives caregiving students the ability to take a break from dependent care duties in order to focus on an interesting, complex subject. Caregivers have always attended law school, and they have generally been quite happy with their decision to do so. Perhaps the experience of having dependents provides

81. *See id.* at 5, 16.

82. *See id.* at 6, 10, 12.

83. *Id.* at 11.

84. DEO et al., *supra* note 12.

85. *Id.*

86. *See* Khrystan Nicole Policarpio & Grecia Orozco, *Together But Unequal: How the COVID-19 Pandemic Exacerbated the Inequities Harming Minority Law Students*, 55 U.C. DAVIS L. REV. ONLINE 91, 11718 (2022), https://lawreview.law.ucdavis.edu/online/55/files/55-online-Policarpio_Orozco.pdf

87. Petzold, *supra* note 55.

88. *See* MEERA E. DEO & CHAD CHRISTENSEN, THE L. SCH. SURV. OF STUDENT ENGAGEMENT, LSSSE 2019 ANNUAL SURVEY RESULTS: THE COST OF WOMEN'S SUCCESS 10 (2019), <https://lssse.indiana.edu/wp-content/uploads/2015/12/LSSSE-AnnualSurvey-Gender-Final.pdf> [<https://perma.cc/8UJY-3U8Y>].

greater internal motivation to pursue their educational goals, and a framework to imagine a future legal career with its associated personal and professional benefits that will make all the current stress, anxiety, and sacrifice feel worthwhile.