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Challenges and Rewards of Educating First-Generation Law Students

BY PROFESSOR LORI DELANEY JOHNSON,
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As a first-generation law student, it wasn't until I began teaching law (and specifically legal writing, skills, and professionalism) that I fully grasped the unique challenges similar students face in attaining the competence necessary to succeed in law school and thrive in the practice of law. While the term "first-generation" (or "firstgen") student is clouded in a bit of controversy concerning its precise definition, when applied to law students it typically refers to "a student who does not have a familial relationship to the legal field."¹ Many of these students also identify as firstgen in the broader sense, encompassing students whose parents have never enrolled in post-secondary education.²

Many firstgen students also face the intersectional challenges posed by their status as racial, ethnic, religious, and/or socio-economic minorities. At the University of Nevada, Las Vegas's William S. Boyd School of Law, we do not collect data on how many of our students identify as firstgen. However, there are a variety of predictors, along with anecdotal evidence, that suggest a significant proportion of our student body are firstgen law students, and many of those were also firstgen college students. As many as one-third of our student body pursue their undergraduate education at UNLV, where more than 50 percent of the student body is comprised of firstgen students.³ Further, beginning in 2021, Boyd launched the Justice Michael L. Douglas PreLaw Fellowship Program to identify and support aspiring firstgen

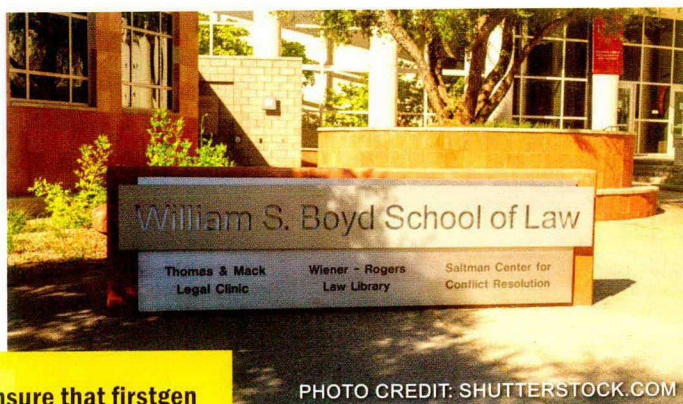
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(mostly minority) pre-law students, both to encourage them to pursue a legal education and to equip them with some of the skills necessary to thrive upon matriculation.⁴ More than 70 students have participated in the program, and more than a dozen Douglas Fellows have matriculated to Boyd in the past three years.

These students bring incredible strengths and skills to their legal education – including adaptability, maturity, grit, resilience, and strong work ethic. However, firstgen students also face myriad challenges. Specifically, they typically “lack the social, cultural, and financial capital that more traditional law students utilize in pursuing academic success.”⁵ These challenges are often amplified and exacerbated by the high-pressure, high-stakes environment of law school. We as legal educators are already stretched thin in attempting to arm these students with the doctrinal knowledge and skillset necessary to become lawyers, but to reach and teach this contingent of students, we must do more.

To ensure that firstgen students thrive in law school, legal educators must remain mindful and implement intentional strategies to effectively educate these remarkable students. What follows are reflections on several strategies I have successfully deployed in more than a decade of educating firstgen law students. As a caveat, this brief article cannot provide the space to deeply consider the breadth and depth of experiences of all firstgen students and must, by necessity, make generalizations.⁶ Nonetheless, I hope this information is helpful to those who might join us at Boyd as legal educators, as well as those mentors and supervisors who continue to educate these students when they enter the practice of law here in Nevada and beyond.

Challenges and Rewards of Educating First-Generation Law Students



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Building Community and Connection

Success in educating firstgen law students requires recognition of their unique position, skills, and experiences, combined with efforts to build community

across the entire law school classroom. Doing so benefits not only the firstgen students, but also the entire learning community. I have often struggled to determine the best methods to permit students to share their background and experiences in a way that does not feel othering or tokenizing. Technological advances arising in the wake of the pandemic have been particularly helpful in this area. While the impact of the pandemic on classrooms carried many negatives, one positive take-away was enhanced ability to effectively use electronic tools to build community between traditional and firstgen students.

In each of my classes, I started creating an interactive online discussion board permitting students to share their backgrounds using a variety of media (written, audio, visual, etc.). I typically provide a couple of loose

prompts and begin by sharing my own background and story. At the same time, I require each student to post about themselves and respond to two or more of their classmates' posts identifying commonalities. This exercise, while quick and easy (and dare I say fun), has opened lines of communication and built connections between students, while at the same time allowing me, as their professor, to begin to identify the diverse backgrounds present in the

learning environment. This low-stakes approach has permitted students who often initially feel uncomfortable or intimidated in the law school classroom to engage as their authentic selves more fully.

Bridging the Gaps

The more difficult task in educating firstgen law students arises in considering how best to bridge the gaps between them and their more traditional peers from a

learning perspective. These gaps include cultural, educational, financial, and social considerations. I have found that carefully planned methods for delivering feedback, along with the incorporation of “soft skills” throughout the law school curriculum, can help firstgen students keep pace with their traditional peers, while also benefiting our entire student body.

Regarding feedback on written and academic work, while it may seem counter-intuitive, firstgen law students can sometimes be a bit resistant to direct, personalized feedback for several reasons. First, their educational backgrounds tend to have typically placed them in larger classrooms, as opposed to the smaller or one-on-one learning environments afforded to more socio-economically advantaged students. As such, firstgen students are sometimes simply less accustomed to having individual discussions about their work. As a result, even constructive critique can seem daunting and intimidating at first blush. Further, many firstgen students, as the first in their family to chart a certain path, are independent and generally accustomed to “figuring things out on their own.”

In order to bridge this gap, I employ a technique referred to as “autonomy supportive feedback.” Autonomy supportive feedback harnesses firstgen students’ inherent internal motivation to succeed by highlighting existing strengths in written work and modeling how those strengths can be deployed to improve the entire assignment.⁷ This approach enhances a student’s understanding of their own competence and frames the portions of the assignment that require revision as opportunities to improve, rather than mistakes.⁸ As a result, this technique fosters more “buy in” to the critique and editing process. Further, autonomy supportive feedback avoids “hiding the ball” and provides more transparency regarding the goal for the finished work product. This approach is valuable to firstgen students who are not only learning how to think and write like lawyers, but simultaneously navigating a new profession and set of customs often completely foreign to them.

I also attempt to weave lessons and advice on the “soft skills” surrounding the legal profession into the day-to-day discussion in my classroom. I often task students with role-playing senior and junior lawyers (or even lawyers and clients), in brief discussions and presentations about ongoing assignments. I then deconstruct what the students found effective during those exercises while providing advice on best practices in law office behavior and legal professionalism. Making soft skills a holistic part of the curriculum avoids the need to single out firstgen students who may not otherwise have familiarity with law office culture. Surprisingly, these feedback and skill instruction methods have proven effective across the entire student body.

First-generation students will continue to comprise a larger and larger segment of the law student population, and resultingly the legal profession as a whole.⁹ As such, if we as legal educators hope to continue producing well-prepared lawyers to lead our profession forward, we must increasingly strive to meet the educational needs of this extraordinary cohort. This necessity extends to those serving in the role of supervisors and mentors of junior attorneys, who continue to educate young lawyers long after they have left the halls of law school. Intentionally creating community, providing effective feedback, and respectfully teaching and modeling professional skills are just a handful of ways we can achieve this goal. In so doing, we can make each student’s dream of a successful legal career, and consequently a more robust and diverse legal profession, a reality.

PROFESSOR LORI DELANEY JOHNSON joined the faculty of UNLV’s William S. Boyd School of Law in 2010. She researches and writes about the intersections of legal practice, corporate law, ethics, and rhetoric. She teaches legal writing, business organizations, professional responsibility, and contract drafting. Prior to joining the law school, Johnson practiced real estate, mergers and acquisitions, finance and corporate law, and Related litigation in Chicago and Las Vegas.



ENDNOTES:

1. Mary Ann C. Krisa, “How to Overcome Challenges as a First-Generation Law Student,” Am Bar. Assoc. (Aug. 25, 2021), [/content/aba-cms-dotorg/en/groups/law_students/resources/student-lawyer/diversity-equity-inclusion/first-generation-law-student-challenges](https://content.aba-cms-dotorg/en/groups/law_students/resources/student-lawyer/diversity-equity-inclusion/first-generation-law-student-challenges); see also Danielle Hall & David Jessup, Jr., “First-Generation Law Students: How to Start Strong,” 51 STUDENT LAW. 9 (2022).
2. Jacqueline M. O’Byrant & Katharine Traylor Schaffzin, “First-Generation Students in Law School: A Proven Success Model,” 70 ARK. L. REV. 913, 916 (2018).
3. <https://www.unlv.edu/news/article/unlike-many-universities-nationwide-unlvs-fall-enrollment-slightly>.
4. See <https://law.unlv.edu/admissions/prelaw-fellowship>.
5. O’Byrant & Schaffzin, *supra* note 2, at 914.
6. The articles cited in these endnotes provide more depth and nuance on these issues and provide a good starting point for those interested in learning more.
7. See Carol L. Wallinger, “Moving from First to Final Draft: Offering Autonomy-Supportive Choices to Motivate Students to Internalize the Writing Process,” 54 LOYOLA L. REV. 820 (2008).
8. *Id.*
9. See O’Byrant & Schaffzin, *supra* note 2, at 956.

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