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Letter from the Editor and Chair

We are excited to share this new edition of *The Learning Curve*, which brings together six thoughtful contributions united by common themes: how we reach our students, and how we make the full scope of our work visible.

Several articles explore creative and intentional strategies for engaging students who may otherwise not seek support. From meeting students in unexpected spaces (bathroom stalls!), to reducing stress through therapy dog programs, to the persistent outreach required to reach some students, these pieces invite us to think creatively about student belonging and engagement.

Other contributions ask us to look more deeply at the systems shaping student success. We are reminded of the hidden curriculum that can complicate law school success for neurodivergent students, and of the power of client-centered lawyering, which can be adapted to our advising work with law students.

Finally, this issue challenges us to reconsider how we, and legal education more broadly, define the effectiveness of Academic Success Programs (ASPs). By looking beyond bar passage as the dominant metric of value, we are encouraged to articulate a broader and more accurate account of the impact of ASPs.

Together, these articles reflect a field that is creative, reflective, and deeply committed to our students. We hope this issue sparks conversation and affirms the importance of your work.

Warmly,



Marta Baffy
Executive Editor,
The Learning Curve



Catherine (Cassie) Christopher
Chair, AALS Section
of Academic Support

Bar Exam in the Bathroom?

Using Creative Outreach to Boost Engagement

Dayna Smith

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Academic support professionals' jobs are becoming more challenging with the ever-changing landscapes of legal education and the bar exam.¹ Many students seem less willing to engage with formal programming, and academic support programs are often operating with limited resources.² This means that academic support professionals need to be creative with how they reach students (and often their colleagues) on campus.

Enter the Bar InSTALLment. In "loo" of adding more formal programming, which is often resource and time intensive, our team started posting MBE questions with QR codes to video explanations in campus bathroom stalls. After a few years of Bar InSTALLments, I am ready to call this experiment a success!

Logistics

Bar InSTALLments are not overly time intensive to make. Drawing inspiration from sample MBE questions, I can generate a semester's worth of InSTALLments in an afternoon.³ Each InSTALLment has one multiple-choice question, a QR code linking to an explanatory video, a citation to the inspiration, and a reminder to visit our academic success program with any bar exam questions. I record explanatory videos using Microsoft Teams and post them to my personal YouTube account. Each video is less than five minutes long, depending on the complexity of the question; shorter is better. The correct letter choice is also listed in the video description.⁴

Approximately every other week, our team will post a new Bar InSTALLment to campus bathrooms. The best restrooms are the ones students are most likely to use, such as those in the library and near large classrooms. While the 3L class might be the most motivated to complete the questions, all students have access to and can benefit from the postings. The InSTALLments are printed on brightly colored paper, and the color changes each time so it will draw students' attention to the fact that there is a new question to complete.



YouTube helps with monitoring views, giving a loose sense of student engagement. So far, engagement has varied, ranging from 10-150 views per video. There are some limitations to this, though. Primarily, if a student scans the QR code, looks for the right answer in the description, then closes the window, it will often not register as a view. Additionally, the timing of a subject within the academic year impacts views. A subject that the entire 1L class is currently taking will generally have more views than an upper-level course that students choose when to take.

Even though there is a lot of variation and some uncertainty in documented views, there have been changes to broader engagement with the academic success program because of the InSTALLments, discussed below.

¹ See, e.g., Timothy Casey, *Reflections On Legal Education in The Aftermath of a Pandemic*, 28 CLINICAL L. REV. 85 (2021) (discussing predicted trends in legal education post-pandemic); Sabrina DeFabritiis, *The NextGen Bar Exam: Inspiring Change in Legal Education*, BOSTON BAR J. (Summer 2024) (discussing how the NextGen bar exam may inspire changes to legal education and licensing).

² See, e.g., Ashley Mowreader, *Report: Stop-Outs Don't Know About Support Services on Campus*, INSIDE HIGHER ED. (Sept. 24, 2024), <https://www.insidehighered.com/news/student-success/academic-life/2024/09/24/survey-gaps-persist-college-student-resource> (identifying communication gaps that might lead to less student engagement with available resources in higher education); Bruno V. Manno, *Revisiting The K-12 Student Engagement Cliff*, FORBES (Feb. 17, 2025), <https://www.forbes.com/sites/brunomanno/2025/02/17/revisiting-the-student-engagement-cliff/> (discussing diminishing student engagement with resources as early as K-12).

³ Vermont Law and Graduate School is partnered with BarBri, through which we have access to a variety of questions to draw from as inspiration. Some of my other favorite places for inspiration include STEVEN L. EMANUEL, *STRATEGIES & TACTICS FOR THE MBE* (8th ed. 2023) and O.J. SALINAS, *MBES FOR THE MBE: MNEMONICS, BLUEPRINTS, & EXAMPLES FOR THE MULTISTATE BAR EXAMINATION* (2022).

⁴ For an example, visit <https://youtu.be/QHGwvgRhGZ8>. In the explanatory video, you can see what the InSTALLment looks like and the explanation format. The printed InSTALLment would also have a QR code linking to the explanatory video.

Outcomes

This unusual (and kind of punny) strategy, which takes minimal time and resources on the front end, has had positive results. Students are buzzing about the latest InSTALLments. Many students will come by the academic success program office or stop one of us in the hall to talk about the problems or ask about the bar exam. Having a constant unusual presence has helped solidify our department as the place to get information about the bar. First- and second-year students also say they enjoy trying to answer the questions and that seeing examples of bar questions helps demystify the exam.

Unexpectedly, our Bar InSTALLments have also garnered attention from faculty and administrators. Faculty who come across our InSTALLments find them to be fun tests of their own substantive knowledge and strong examples of how they should format their multiple-choice assessments to better prepare the students for the bar exam. Administrators have also stopped by the office to brag about their performance on the InSTALLments. This boosted engagement with our colleagues has opened doors to further collaboration on other topics.

Other Possibilities

Now that Bar InSTALLments have been running for a few years, it is time to start thinking about modifying this resource to accomplish other goals. For instance, with NextGen approaching, adding “pick two” multiple choice questions to the rotation may be a logical next step. Additionally, our school has a robust online hybrid JD program that does not benefit from the InSTALLments since those students are not on campus. There is ongoing brainstorming about ways to bring similar content to those students, such as devoting a “digital stall” space on the program’s website to post the InSTALLment.

Further, the success of Bar InSTALLments also raises the question of what other opportunities are there to engage with students in creative ways. An ongoing ASP challenge is how to boost engagement across all students. Sometimes inspiration strikes unexpectedly, so our program is trying to keep an open mind when trying to get more students in the door.

Closing Thoughts

Our team has been able to monitor engagement, create connections, and bolster our presence on campus with just a few creatively placed bar questions. For those looking to do the same, open your mind to your school’s underutilized spaces and don’t be afraid to be creative. Use the resources available to you but also don’t shy away from trying something new. Worst case scenario is that you try something out, and it doesn’t work. But you never know what a “silly idea” will grow into until you try. For us, hopefully Bar InSTALLments will continue to catch students’ attention, elevate our program, and encourage connection.

“Open your mind to your school’s underutilized spaces and don’t be afraid to be creative. Use the resources available to you but also don’t shy away from trying something new. Worst case scenario is that you try something out, and it doesn’t work.”

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The Power of Dogs: Leveraging Therapy Dogs to Reduce Stress and Build Community with Your Students

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The lives of law students are undoubtedly stressful. As academic professionals, we help our students with academic and life challenges, but often we struggle with time and resource constraints. This paper will explore using therapy dog volunteers to provide several benefits, and some downsides, to law students ranging from emotional, physical, and social while costing little to no money or time resources. It will cover the legal differences between service, emotional support, and therapy dogs and offer some practical tips to becoming an “internal champion” of getting more therapy dog visits at your school.

Legal Frameworks for Working Animals

When starting a therapy dog program, one must understand there are differences between the types of working dogs that directly assist people and the legal framework that surrounds them. The three significant categories of dogs are: service (a.k.a. assistance), emotional support, and therapy. Each varies in their purpose, training, and legal status.

A service dog has been individually trained to do work, or perform tasks, for a person with disabilities where the work, or task, performed is directly related to the person’s disability. Examples: guiding the blind, reminding a person to take medications, or calming a person with PTSD during an anxiety attack. These dogs are protected under the law in that state and local governments and businesses that serve the public must allow service animals in all areas of the facility where the public is allowed. It should be noted that a dog whose sole function is to provide comfort, or emotional support, doesn’t qualify as a service animal.¹

An emotional support animal (ESA) provides support through companionship; they help ease anxiety, depression, and certain phobias. Generally, these are pet dogs prescribed by licensed mental health professional to a person with a disabling mental illness. The key difference between the ESA and service dog is that the service dog has been trained to perform a specific task or job directly related to a person’s disability, whereas an ESA provides comfort from just being with the person and doing the things a dog would normally do such as snuggling, getting petted, etc. Behaviors such as cuddling on cue do not qualify as tasks. Tasks must be specifically trained to mitigate a disability, not something instinctive to the dog.² ESAs do have some legal protections under the Fair Housing Act which includes ESAs in its definition of assistance animals. ESAs have legal protections in the home and sometimes the place of employment.³

Therapy dogs, or more accurately therapy dog teams (dog and handler), work to improve the lives of other people. These teams volunteer in settings such as schools, hospitals, nursing homes, airports, and depending on the certifying agency, may go anywhere they are invited.⁴ These teams have no special access or legal privileges and must be invited to places. Therapy dogs, like ESAs, are not service dogs. Certification requires teams to be tested by an agency, as a team, where the dog is evaluated for behavior, obedience, and the team is evaluated for communication and control. Certification is renewed annually and requires veterinary confirmation that the dog is fit for duty, has all their vaccinations, and is healthy. Teams must also complete regular volunteering visits to keep their skills current and are required to follow a set of rules determined by the certifying agency. Teams carry liability insurance while volunteering in case of any accidents.



¹ ADA Requirements: Service Animals, ADA.GOV, <https://www.ada.gov/resources/service-animals-2010-requirements/> (last visited Nov 3, 2025).

² Stephanie Gibeault, *Everything You Need to Know About Emotional Support Animals*, AMERICAN KENNEL CLUB (Feb. 24, 2021), <https://www.akc.org>.

³ Jacquie Brennan & Vinh Nguyen, *Service Animals and Emotional Support Animals: Where Are They Allowed and Under What Conditions?*, ADA NATIONAL NETWORK, <https://adata.org/guide/service-animals-and-emotional-support-animals> (last visited Mar. 19, 2026).

⁴ *What Is a Therapy Dog?*, AMERICAN KENNEL CLUB, <https://www.akc.org/sports/title-recognition-program/therapy-dog-program/what-is-a-therapy-dog/> (last visited Nov 3, 2025).

Value of Human-Canine Interaction

Humans and canines have worked together since ancient Egyptian and Roman civilizations.⁵ In modern times we see working dogs herd livestock, search and rescue, and perform tasks for people with disabilities, to name just a few uses of dogs. Therapy dogs are trained working dogs whose purpose is “to provide comfort and affection to people other than their handlers or owners.”⁶ They volunteer in hospitals, schools, assisted living homes, disaster areas, and any place where canine comfort is valued. The benefits of these visits include physical health, emotional support, and improved social connection.

Physiologically, spending time with dogs in periods as short as 5 to 20 minutes can reduce the stress hormone cortisol while raising the “love hormone” oxytocin.⁷ Evidence shows that students interacting with dogs have “improved executive functioning—the cognitive processes responsible for planning, staying on task and blocking out distractions.”⁸ Overall, this leads to reduced stress, increased happiness, and reduced feelings of loneliness and homesickness.⁹

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Considering that law students are, on average, 25 or younger, and only 20% of law students are 30 or older,¹⁰ it is important to examine how therapy dogs benefit younger generations. Younger generations place more value on their mental wellbeing and happiness, and dogs are often factored into that equation. For example, one survey shows that “over 80% of Millennial and Gen Z pet parents agree that pets are part of their family,” and 52% of Gen Z employees say that additional pet benefits would increase their desire to stay with their company for the next 12 months.¹¹

Neurodiverse students are a large subset of the law student population that should be considered for the potential benefits of a therapy dog program. A Bloomberg Law survey found that 25% of law student respondents identified themselves as neurodivergent.¹² Neurodivergence includes people with atypical minds; it’s an umbrella term used for individuals who may identify with dyslexia, ADHD, ADD, OCD, bipolar, and autism. Neurodivergent students with anxiety often have a lower quality of life causing them to become anti-social, struggle in social environments, and struggle academically and in personal relationships.¹³ This study suggests that a neurodivergent student’s success will improve with therapy dog interactions by building human-canine relationships. This, in turn, will improve neurodivergent students’ mental health, well-being, academic success, and their social interactions.¹⁴

Finally, law students have two or three days that can be especially stressful: the bar exam. Anecdotally, I have taken dogs to multiple bar exams in three states (during lunch) and have found benefits in two specific ways. First, a reduction of stress that you would see in any other session. Second, examinees interacting with dogs are not talking about or stressing themselves over something beyond their control—that is, answers they gave during the morning session. This frees them to go into the afternoon session without negative thoughts of all the things they may, or may not have, missed in the morning session.

⁵ CHERYL S. SMITH, *THE ROSETTA BONE: THE KEY TO COMMUNICATION BETWEEN HUMANS AND CANINES* 9 (1st ed. 2004).

⁶ ALLIANCE OF THERAPY DOGS, <https://www.therapydogs.com> (last visited Oct. 10, 2025).

⁷ Maria Godoy, *Petting Other People’s Dogs, Even Briefly, Can Boost Your Health*, NPR (Aug. 3, 2023), <https://www.npr.org/sections/health-shots/2023/08/03/1190728554/dog-pet-mental-health-benefits>.

⁸ *Id.*

⁹ Stanley Coren, *Therapy Dogs Are Effective for All College Students*, PSYCHOLOGY TODAY (Nov. 1, 2023), <https://www.psychologytoday.com/us/blog/canine-corner/202311/therapy-dogs-comfort-regardless-of-gender-or-sexual-identity>.

¹⁰ David Merson, *How Old Is Too Old for Law School?*, JURIS EDUCATION, <https://www.juriseducation.com/blog/how-old-is-too-old-for-law-school> (last visited Oct 31, 2025).

¹¹ *The Rise of Pet Benefits in Millennial and Gen Z-Friendly Workplaces*, AIRVET, <https://www.airvet.com/blog/the-rise-of-pet-benefits-in-millennial-and-gen-z-friendly-workplaces> (last visited Oct 31, 2025).

¹² Jessica R. Blaemire, *Analysis: More Neurodiversity Among Law Students Than Lawyers*, BLOOMBERG LAW (Feb. 29, 2024), <https://news.bloomberglaw.com/bloomberg-law-analysis/analysis-more-neurodiversity-among-law-students-than-lawyers>.

¹³ Georgia Jean Majka, *Neurodivergent College Students and Therapy Dogs in Higher Education*, (Jun. 6, 2023). (M.A. Thesis, Rowan University) (on file with Rowan University).

¹⁴ *Id.*

Using Therapy Dogs Isn't all Positive

Approximately 15% of people worldwide are allergic to dogs, and roughly 11% of Americans are afraid of dogs.¹⁵ These issues are controlled logistically by placing therapy dog sessions in a place that can be easily avoided by those with fears or allergies such as large common areas like the library. Therapy dog owners/handlers are aware of these issues and wait until people approach them or ask if the person would like to visit first, giving ample opportunity for those allergic or afraid to avoid contact.

There's a risk of injury when bringing dogs and people together. Most injuries occur from tripping over the dog or leash.¹⁶ While teams can reduce this risk by training, it will never be eliminated. Most certifying agencies either provide liability insurance or require teams to carry their own coverage for injuries occurring during visits. In the unfortunate instance of an accident involving a therapy dog visit, this insurance would cover any damages.

Advocating for More Therapy Dogs at Law Schools

If considering a therapy dog program, start by reviewing your school's policies as therapy dogs may already be written into them. If your school only has two types of dogs listed, service and pets, then you may need to become the "internal champion" that educates the administration and gets the ball rolling using the information provided. If your school has policies in place for therapy dogs, then skip ahead to learn how to find volunteers in your area.

When starting the program there are some tips to keep in mind. First, remember that therapy dogs are not covered by the ADA and have no special legal protections. They are only permitted where they are invited. The administration, or someone from the university's risk management office, will very likely want documentation of a therapy dog team's certification, veterinarian records showing the dog is current on its vaccinations and in good health, and potentially records that the human half of the team has certain vaccinations. While teams are accustomed to providing all of this documentation to visit sites, you may want to plan far enough in advance that administration has time to review and approve this documentation.



When planning for a visit, consider that teams need a space to park and interior spaces to visit; they will likely need directions and someone to greet them and open the door if secured. The amazing people in the library, or student services, are often happy to assist with coordination. Second, visits should be limited to one-hour sessions. The dogs love working, but it is draining, and most need to rest after an hour. The human is a volunteer, and you will want to be respectful of their time as well. If more time is needed, bring in multiple teams spread out over a few hours (e.g. teams from 2-3 pm and different teams from 3-4 pm).

Consider that teams will need space to work. Most agencies require dogs to be kept at least two feet apart during visits and will need space for everyone to visit; you may be surprised how many people will be sitting on the floor around the dogs.

Remember, teams are volunteers that may have regular jobs and need ample notice (two weeks minimum) about your event. Finally, if possible, invite your mental health counselor to these events to provide information about their services. The relaxed environment can open your students to the idea of talking with them.

There are several national agencies such as Alliance of Therapy Dogs, Pet Partners, and over 240 local agencies throughout the U.S.¹⁷ Agency websites have contact information or forms you can complete online to request visits. A comprehensive list of agencies can be found on the American Kennel Club's (AKC) website. A little research will show the agencies in your area. Check with your main library; they may already be using therapy dogs, giving you a lead to local agencies.

Finally, once you have dogs visiting, make sure to communicate with the teams to learn about them and how to make your program more successful. While you are there, pet the dogs... for research purposes.

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¹⁵ Elisa Wagner & Miguel Pina E. Cunha, *Dogs at the Workplace: A Multiple Case Study*, 5 ANIMALS 89 (2021).

¹⁶ *Id.*

¹⁷ AKC Recognized Therapy Dog Organizations, AMERICAN KENNEL CLUB, <https://www.akc.org/sports/title-recognition-program/therapy-dog-program/therapy-dog-organizations/> (last visited Nov 3, 2025).

The Invisible Work of Academic Support: Hunting, Gathering, and Hoping

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This essay explores the challenge of engaging students who may be struggling academically but remain disengaged from available support services. Between a student who attends one of my academic success workshops, and one who does not, I am more concerned about the latter because of the unknown.

1Ls put in a lot of work with little to nothing to immediately show for it. They read before class, some doing better than others in extracting what the judicial opinion says, and they attend class, some having a stronger natural talent for responding to cold-calls. Our 1Ls' only formative feedback comes in the form of a midterm in a single doctrinal class, though more formative assessment options are being developed. But, those midterm scores are not systematically available to me as an academic support professional, depriving me of an early intervention opportunity. Aside from that caveat, the 1Ls show up to their final summative exam with equal footing. Until grade release in January, there's little information about the pecking order.

After all grades are released, the stratification takes shape. Some students will be humbled whereas others will be delighted. Once I get students' grades (and it's not always a given that I get that data before the students do), I engage in the largely invisible labor of identifying, persuading, and supporting students who may not otherwise independently seek out an ASP office.

To spur engagement with the students who need the most academic support, as determined by term GPA, I spend a lot of time thinking about carrots and sticks: what can be done to incentivize or force engagement with my academic success program? Beginning with the stick approach, we do have a probation standard (GPA under 1.67), which could compel student participation in a remedial process. But, the 1.67 standard is so low that it doesn't capture even one percent of our class.² While I'd like to have at least one stick at my disposal, forcing engagement doesn't usually lead to high quality interactions and risks creating resentment.³ Instead, much of what happens is labor that happens quietly and often without immediate payoff.

Except under extenuating circumstances when I work with a colleague who possesses a stick, I focus my energies on enticing students to meet with me. I offer a judgment-free space for students to process their first grades and consider how they will respond. By default, these meetings are virtual so there's no stigma of being seen walking into an academic success office. This format is an intentional design choice for the students' benefit, but it can mask the efforts I'm undertaking from my colleagues and senior administrators.

I adopt an approachable persona infused with authenticity and occasional deadpan humor. Nevertheless, accepting an invitation to meet with an ASPer is a cognitive and emotional hurdle for some students.⁴ They have to be open to feedback. They have to realize there is room for improvement. They have to be willing to change. Because of our curve, 95% of our 1Ls have a first-semester GPA that begins with the number 'three' and

“It’s that final 25% that troubles us, isn’t it? These are the students who don’t respond to our outreach, don’t engage, and don’t take the first step toward support. What can we do for them so they feel empowered to achieve academic excellence?”

¹ The author wishes to thank student research assistant Andrew Wheelwright (The George Washington University Law School, JD expected May 2026) for his contribution to this work.

² George Washington University Law School, *Academic Regulations*, <https://www.law.gwu.edu/academic-regulations> (last visited Feb. 7, 2026) (the regulations list the 1.67 GPA threshold but do not themselves state the percentage of students falling below it; this inference is drawn from institutional grade-distribution data).

³ See Grant Harold Morris, *Preparing Law Students for Disappointing Exam Results: Lessons from Casey at the Bat*, 45 SAN DIEGO L. REV. 441, May/June 2008.

⁴ See John Vriend & Wayne W. Dyer, *Counseling the Reluctant Client*, THE SCHOOL COUNSELOR (Jan. 1976).

many are satisfied with that result. Little do they know that there is a big difference between a 3.9 and a 3.1, and overconfident 3.1s could be in for a rude awakening when they sit for the bar exam.⁵

The logistics of my academic support outreach are straightforward. Once I define the tranche of students I wish to work with, I further subdivide them. Because I use a self-scheduling platform, I really want the lowest performing students to have first access to my calendar. Waves of emails are deployed on behalf of the Dean of Students Office in stages until everyone on the target list has received my initial message. With the first outreach, I generally get a 50% response rate of students who self-schedule. After a week passes, nonresponsive students get a nudge email from me, personally. For simple illustrative purposes, let's say that the follow up messages get me another quarter of the way there (e.g., roughly 75%). Although this process looks technical, each decision reflects judgments about urgency, equity, and risk.



It's that final 25% that troubles us, isn't it? These are the students who don't respond to our outreach, don't engage, and don't take the first step toward support. What can we do for them so they feel empowered to achieve academic excellence? When a traditional ASP-Student partnership has not materialized, ASP support must pivot. There is still hope that our support is being received, and just not acted upon. Here are a few of my tactics for getting through:

- **Normalize help-seeking from day one by branding receiving feedback and support as a professional skill.**

If students learn early that seeking and receiving feedback is not a marker of deficiency but a marker of professionalism, then invitations feel less like remediation. For example, at orientation, encourage building a habit of seeking feedback in lieu of the tired "get help when you need it" maxim. This reframing matters most for the students who may experience academic support outreach as judgment rather than an opportunity.

- **Amplify the voices of current upper-level students who have benefited from academic support services.**

For students who are reluctant to engage, an ASP invitation can be perceived as an administrative summons. Upper-level peers could provide testimonials about how engagement with ASP positively influenced their academic experience (and outcomes). Peer messengers also make the support concrete. Instead of abstract reassurance, they provide a narrative arc that can address feelings of pride, embarrassment, fear, and shame. These are emotions our students already feel but rarely name.

- **Make resources available that do not require direct human interaction.**

Some students won't meet with us—full stop. For them, I offer asynchronous resources, such as a short video that generally addresses how to improve academic performance. These tools don't replace coaching, but they can be an on ramp towards accepting an invitation to be coached.

- **Ask doctrinal faculty to signal their support for the work of ASPers.**

This does not need to be a formal endorsement statement. But, quick quips from a professor at the podium can do much for the normalizing of ASP in the law school ecosystem.

These strategies won't reach every student. But they might reach one more. And sometimes, that's enough. For those of us committed to the work of academic success, this is our invisible work: hunting for signs of struggle, gathering data and goodwill where we can, and hoping that something breaks through. Even when the effort of our work is unseen, tracking down the "last 25%" remains a part of our core mission. If you are underrecognized for completing this mission, know that we see each other and can collectively celebrate your impact.

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⁵ See Jeffrey S. Kinsler & Jeffrey Omar Usman, *Law Schools, Bar Passage, and Under and Over-Performing Expectations*, 36 QUINNIPIAC L. REV. 183 (2017-2018).

Law Student as Client: Applying Client-Centered Lawyering Skills to Law Student Development

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Former and current practitioners find their way into many corners of legal education—professors, administrators, advisors, clinicians—for the immense benefit of our law students. Former practitioners in the legal education space bring invaluable insights from practice into this space. This experience helps introduce our law students to core lawyering skills through our communications, curriculum design, programmatic choices, and advising.

The primary function of my administrative position, Associate Director of the Office of Student Affairs, is to meet with students for any reason that cannot be addressed by another student support office.² This means that students come to me with a variety of problems, discomfort, or confusion about the law school experience, with the student in various states of concern or distress. My role as advisor relies heavily on my identity as a former litigator and my desire and ability to bring sound client advising practices into the law school space.

When I took this role, my experience as a litigator in direct representation left me with a hypothesis that law students were a lot like my clients. Turns out, this is true! Just like my clients, law students bring a diversity of lived experiences with them to law school. Just like my clients required a guide throughout the legal process, law students require a guide throughout law school. A guide is not someone who takes over the client's or law student's experience or places themselves at the epicenter of knowledge, but one that engages as a partner when concerns and needs are raised.

In this article I demonstrate how I've brought my client advising skills into my work with law students. My work with law students is informed by my use of the client-centered lawyering model as adapted from my practice background. I will address how the skills of client-centered lawyering model translate remarkably well advising law students through what I call the law student-centered development model. This model of working with law students helps advisors train the next generation of lawyers in key lawyering skills through the modeling of those skills. Let's begin.

What is client-centered lawyering?

Client-centered lawyering has been in the legal lexicon for decades as a call for lawyers to change the dynamic of power inherent in the attorney-client relationship.³ It asks lawyers to center their client's autonomy and collaborate with the client in decision-making by exploring the client's perspective of problems and solutions.⁴

After reading many definitions of client-centered lawyering available on law firm websites and lawyering blogs, along with my definition from direct representation, I offer the following working definition⁵ for client-centered lawyering:

Client-centered lawyering is a model where lawyers prioritize a client's autonomy by empowering them to make informed decisions about their legal matters. The model emphasizes the importance of the client's role to define the legal problem, explore solutions, and decide on the ultimate course of action while the lawyer provides objective support and advice.

Let's break down this definition into its component parts to better explore what the model means in a practical sense. Client autonomy means that clients own their choices, not the lawyer. Informed decision-making means that the client must have knowledge about all their

¹ This concept was first offered to the legal community at a presentation at the annual conference for the *National Association of Law School Student Affairs Professionals* in June 2025 at the Ohio State University Moritz College of Law in Columbus, Ohio.

² The American University Washington College of Law offers the following student support offices: Office of the Registrar, Office of Academic Excellence, Office of Career and Professional Development, Office of Disability Support, and Office of Financial Aid. The author recognizes that the structure of law school student support offices varies widely from school to school. The core function of the Office of Student Affairs at the American University Washington College of Law is to assist students whose concerns do not fit into any of the other office.

³ See generally David Binder, Paul Bergman & Susan Price, *Lawyers as Counselors: A Client-Centered Approach*, 35 N.Y.L. SCH. L. REV. 29 (1990); Stephen Ellmann, *Lawyers and Clients*, 34 UCLA L. REV. 717 (1987).

⁴ See generally Katherine R. Kruse, *Engaged Client-Centered Representation and the Moral Foundations of the Lawyer-Client Relationship*, 39 HOFSTRA L. REV. 577 (2011); Katherine R. Kruse, *Fortress in the Sand: The Plural Values of Client-Centered Representation*, 12 CLINICAL L. REV. 369 (2006); Susan D. Carle, *Power as a Factor in Lawyers' Ethical Deliberation*, 35 HOFSTRA L. REV. 115 (2006); Michelle S. Jacobs, *People from the Footnotes: The Missing Element in Client-Centered Counseling*, 27 GOLDEN GATE U. L. REV. 345 (1997).

⁵ A definition compiled after reading through many definitions of client-centered lawyering available on law firm websites and lawyering blogs.

“Just as clients require guides throughout the legal process, law students require guides throughout law school. A guide is not someone who takes over a student’s experience or places themselves at the epicenter of knowledge, but one that engages as a partner when concerns and needs are raised.”

options and the potential pros and cons of each choice. The client’s role in defining the legal problem and exploring solutions highlights the need on the lawyer’s part to understand the client’s perspective, goals, values, and non-legal factors. And finally, the provision of objective support and advice from the lawyer requires consistent partnering with the client as the legal process unfolds. Overall, this working definition demonstrates that the overarching goal of client-centered lawyering is that lawyering should be less about the lawyer and more about the client.

Implementation of the client-centered lawyering model

Now that I have outlined a model, the next step is proper implementation of the model. Lawyers need to develop three core skills to properly implement the client-centered lawyering model: alleviation of procedural justice concerns, expressing empathy and understanding, and setting and enforcing boundaries and expectations.

The first skill needed to implement the client-centered lawyering model is the skill of alleviating procedural injustice concerns for their clients. Procedural justice is the concept that people need to know the fairness and transparency behind decision-making rather than just the outcome.⁶ Simply, people need to know the *why*. It is the classic example for anyone who has been a child or has raised a child; giving the reason of “because I said so” does not prove helpful for either party. Children, as reflected in humanity, need to know the *why* behind a decision or process even if the *why* doesn’t get them what they want. Clients, just like people, need to understand why the decisions in their cases are being made the way they are.

The second skill for implementing the client-centered lawyering model is the skill of expressing empathy. Not to be mistaken for sympathy, empathy⁷ is the ability to recognize, understand, and share the thoughts and feelings of another. Empathy is a catalyst for deep connection that can bridge gaps between people and ensure trust in a lawyer-client relationship.

The third skill needed to implement the client-centered lawyering model is the skill of setting and enforcing boundaries and expectations. Clients should know how and when to reach their attorneys and how they will communicate at various stages of a case. There should also be an acknowledgement by the lawyer if those expectations go unmet so there can be active engagement in resetting expectations. Court cases can be extremely unpredictable with postponements, witnesses, investigation timelines, etc. Thus, the more lawyers can build consistency, the better their working relationship will be.

How is this model a framework for work with law students?

The client-centered lawyering model is easily translatable to what I am calling the law student-centered development model. Let’s dive in.

For my work with law students, I adapted my working definition of client-centered lawyering by substituting law student as follows:

*The **law student-centered development model** requires that **advisors** prioritize a **student’s** autonomy by empowering them to make informed decisions. The model emphasizes the importance of the **student’s** role to define the problem, explore solutions, and decide on the ultimate course of action while the **advisor** provides objective support and advice. (Bolded for emphasis.)*

⁶ *Procedural Justice*, The Justice Collaboratory, Yale Law School, <https://law.yale.edu/justice-collaboratory/procedural-justice> (last visited Dec. 12, 2025).

⁷ *RSA Short: Empathy*, BRENEBROWN.COM (Dec. 10, 2013) <https://brenebrown.com/videos/rsa-short-empathy/> (last visited Mar. 6, 2026).

The law student-centered model exhibits the following features: (1) students maintain autonomy, (2) students receive the information they need to make the best decision for themselves, (3) advisors investigate the students' goals and values, and (4) advisors provide objective and equitable support, (5) while students make the ultimate choice.

As mentioned, this definition is akin to the working definition of the client-centered lawyering model from the previous section. The law student-centered definition highlights the same features that make the client-centered lawyering model successful. This definition for my work with law students prioritizes student autonomy and decision-making with the advisor in a supportive role.

Implementation of the law student-centered development model

The implementation of the model relies on the same skills that are needed to implement client-centered lawyering: alleviate procedural justice concerns, express empathy, and set and enforce boundaries and expectations. Let's explore how these show up in the law school advising setting.

The alleviation of procedural injustice is necessary for the law student-centered development model because institutional harm is a reality for many students. This could be from prior experience or could be coming up for the student in the law school setting for the first time. Historically, higher education has been inaccessible to many groups of people because of discrimination based on disability, racial identity, socio-economic status, gender identity, immigration status, etc. Today, Predominantly White Institutions ("PWI") can exacerbate procedural justice concerns by status alone. A common refrain I hear in higher education is *the policy says so*, which is provided to students without context, in an email, and without discussion and/or the chance to ask questions. Being good at alleviating procedural justice concerns means that advisors get comfortable explaining why outcomes are what they are in a face-to-face encounter. I commonly say to students "this might be too much information, but I think it's important that you understand why." I find that even if students don't agree with the outcome, I retain their trust and they have a model for conflict.

Expressing empathy is necessary for the law student-centered development model because surface-level conversation with students does not unlock their goals or make space for understanding their needs. Advisors frequently know that a student has a need or a problem, but do not immediately know *why* the student has that need or problem. It is necessary to uncover the *why* associated with the student's need or problem to express empathy. Uncovering the *why* requires asking open-ended questions and mirroring language like this: "you said you feel like the school doesn't care about your exam schedule; why do you feel that way?" If I know why the student feels the way they do or perceives the problem they perceive, then I can hear the student's *why* and express empathy by sharing their thoughts and feelings.



And finally, setting and enforcing boundaries and expectations is necessary for the law student-centered development model because after it's all said and done, the student is responsible for their legal education. Students frequently come to advisors in a state of panic, whether via email or in person, and request immediate action, problem-solving, or response from us. Responding to a panicked student with panic will never result in helpful student development. Students should know our working hours and how to be in touch, but should only expect timely responses for things that are within our control. I always include a division of labor in my interactions to achieve this. What is my responsibility and what is the student's responsibility? It is not the advisor's job to fix everything, including responding to a panicked email from a spiraling student about how they ruined their job interview.

These skills help implement the law student-centered development model because they create a trusting relationship for students to seek guidance that values their lived experience without substituting our judgment for their own. Ultimately, this is modeling good lawyering while assisting them along the way.

How is the law student-centered development model beneficial to law student development?

My overarching goal is to contribute to the task of creating lawyers from law students. This happens when each part of legal education mirrors the legal field and creates noticeable parallels that students can identify (whether in the moment or years later) as a marker of their development. Immersing law students in experiences they will encounter in their future lives as lawyers is critical. For example, the Socratic method mirrors courtroom questioning by judges and prepares law students for such questioning upon graduation. More obviously, courses like trial advocacy, contract drafting, and interviewing skills simulate what it is like to be a lawyer and presents tangible moments to grow client interviewing and counseling skills, courtroom and transactional skills, and legal writing skills.

The way law school administrators engage with law students is more subtle than a cold-call and less obvious than a skills course, but provides the same kind of benefit. Law students develop into lawyers when the skills they need to be good lawyers are modeled⁸ for them in as many interactions as possible. Law school advising, whether it is in the student affairs context or the career context, needs to be one more place where the mirroring of lawyering skills is intentional. Law school advising should feel like how a lawyer would advise a client so students can engage in actively building that skill for themselves.

⁸ Borrowing from our friends in the psychological community, modeling is learning through observation as a form of vicarious learning that refers to the unconscious absorption of information observed from watching the actions of others. See generally, American Psychological Association, *APA Dictionary of Psychology* (2d. ed. 2015).

Preliminary benefits of the law student-centered development model

The model I've developed has demonstrated overwhelmingly positive benefits for the students I work with. I can see through our interactions that they are developing three key skills to not only successfully complete law school, but to thrive in the legal field after graduation. These skills are an increased ability to manage stress, the building of executive functioning skills, and forming their professional identity.

The ability to manage stress is key to a successful graduation and career in the law. The word "stress" carries a lot of negative association with it, when in reality stress is a normal part of life and contributes to human productivity.⁹ Certainly, too much stress can overwhelm us into underperformance and too little stress can do the same, but lawyering professionals need to learn how to manage the stress associated with being law students and lawyers. Modeling procedural justice helps students manage stress because it helps them not to be blindsided by outcomes, but also to think about the reasons behind those outcomes. When we have deeper understanding of an outcome, we can better navigate the stress associated with it. Expressing empathy helps students manage stress because it teaches them to be present. Being present in our day is one of the most powerful tools lawyers have as it makes space for connection with ourselves and those we serve. Setting and enforcing boundaries helps students manage stress because it helps them separate what they do and do not have control over. Fixating on the stress of something that is out of one's control instead of putting energy into what you can control can stop a law student and a lawyer in their tracks. This does not discount the times I have confidently ended my workday early after a negative outcome in court, but highlights that most days will require stress management through the identification of what I can change.

Building executive functioning skills is another benefit of the law student-centered development model. Executive functioning skills are simply the mental processes that help a person set and carry out goals, *i.e.* what is the goal and what are the steps to achieve it. These steps include task management, planning, emotional regulation, and organization. Many students lack proficiency in these steps or the larger ability to connect steps to the execution of their goals. This model helps students isolate both the goals they have, and the steps needed for achievement. Alleviating procedural justice concerns helps students build executive functioning skills because it keeps students focused on their goals and tasks and helps them not get bogged down in what they cannot change. Expressing empathy helps students build executive functioning skills because helping students identify *why* they act and react helps them identify their goals and what they are or aren't doing to achieve them. Setting and enforcing boundaries helps students build executive functioning skills because it keeps the responsibility of executing the steps with the student. I serve as an advisor who can help identify the steps and the tools that may help the student achieve each step only. When the responsibility stays with the student and advisors serve as a support, the student can grow in their capacity to engage in this process in other scenarios in law school and in their future careers.

The final benefit I have observed in the students I work with is in their very personal journey of professional identity formation.¹⁰ Professional identity formation is not a new concept, but the intentionality behind creating opportunities to foster this exploration with law students has sparked wonderful discussion. Although many in-depth analyses of what is needed for professional identity formation exist, in summary it includes opportunities for students to practice self-awareness, be self-directed, engage in socialization, and engage with intentionality and purpose.¹¹ My model for law student development allows students the opportunity to bring their intentions and interests to the discussion while giving them responsibility for the named outcomes they can control. Alleviating procedural justice concerns helps students with professional identity formation because it allows them to practice self-awareness and engage in socialization. Expressing empathy helps students with professional identity formation because it helps them build their self-awareness, engage with intentionality and purpose, and engage in socialization. Setting and enforcing boundaries helps students with professional identity formation because it helps them be self-directed and engage with intentionality and purpose.

Conclusion

Law students are a lot like clients because law students bring a diversity of lived experiences, strengths and weaknesses, and identities into the law school setting. Just as clients require guides throughout the legal process, law students require guides throughout law school. A guide is not someone who takes over a student's experience or places themselves at the epicenter of knowledge, but one that engages as a partner when concerns and needs are raised.

The law student-centered development model is available and applicable to all law school advisors through the learning of the three core skills described above. This model of working with law students will help advisors diversify their skillsets as they serve the needs of the legal community. This happens through the training of the next generation of lawyers in key lawyering skills through the modeling of those skills by trusted advisors.

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⁹ Ungvarsky, Janine, *Yerkes-Dodson Law*, EBSCO, <https://www.ebsco.com/research-starters/social-sciences-and-humanities/yerkes-dodson-law> (last visited Mar. 6, 2026).

¹⁰ *Standards and Rules of Procedure for Approval of Law Schools 2025-2026*, Rule 303(b), AM. BAR ASS'N. https://www.americanbar.org/groups/legal_education/accreditation/standards/standards-rules/ (last visited Mar. 6, 2026).

¹¹ Kellye Y. Testy & Zachariah J. DeMeola, *Leading the Way: The Power of Professional Identity Formation for Lawyers*, 76 BAYLOR LAW REV. 115 (Winter 2023).

Beyond the Bar: Rethinking How We Measure Academic Support Program Success

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Academic Support Programs (ASPs) do far more than prepare students for the bar examination. In their effort to equip law students for the demands of both the classroom and legal practice, ASPs offer skills courses, workshops, individualized tutoring, academic coaching, and targeted interventions. However, at some institutions, bar passage rates serve as a primary metric for assessing the value of ASPs. Over the course of my career at several law schools, I have personally observed a tendency to prioritize bar passage above other measures of ASP success.

There is no question that bar passage rates are crucial—not only to law schools, but to the students they serve. Licensure is essential. However, using bar passage as the primary measure of ASP effectiveness is misguided for at least three reasons. First, bar passage is a lagging indicator, reflecting outcomes years after ASP interventions occur and preventing timely assessment or adjustment. Second, bar passage is a distorted indicator, shaped by numerous intervening variables that obscure the specific impact of ASP work. Finally, bar passage is an incomplete indicator because it fails to capture the broad range of what ASPs do.

A Lagging Measure of Success

An institution's bar examination passage rate is a lagging indicator, reflecting past performance rather than predicting future outcomes. Using bar passage rates as a primary evaluative measure disregards ASPs' many contributions to student success and readiness for practice. A lagging indicator measures outcomes only after those outcomes have fully materialized.¹ Bar passage rates, reported months after the exam has been administered, represent the result of a student's entire law school career, not the isolated effect of ASP interventions.

There are numerous reasons why bar passage rates are not an ideal near-term measure of ASP effectiveness:

- A student may engage extensively with an ASP during the 1L or 2L year, yet their bar outcome may not be known for three to four years.
- A multitude of factors, from doctrinal instruction to life events to the quality of a student's commercial bar review course, can intervene between ASP participation and bar performance.
- The bar examination is a single, high-stakes event administered on a particular day and subject to variables such as anxiety, illness, or family emergencies.

In contrast, leading indicators provide predictive, near-term insight into student development instead of just measuring outcomes after the fact. Measures such as program attendance, sustained engagement, performance on formative assessments, and GPA trends allow law schools to see whether students are acquiring necessary skills as they progress through law school. These metrics shorten the feedback loop, allow for timely intervention, and more accurately reflect the direct impacts of ASP programming.

In short, bar passage lags too far behind and is subject to too many outside factors to be used as the chief metric to evaluate the effectiveness of ASPs.

“Evaluating [Academic Success Programs (ASPs)] based on a single measure distorts the nature of their work. ASPs should instead be assessed in light of their broader missions: building academic skills, supporting at-risk students, fostering professional identity formation, strengthening retention, and advancing equity.”

¹ NATIONAL FORUM ON EDUCATION STATISTICS, U.S. DEP'T OF EDUC., USING EDUCATION INDICATORS: A FORUM GUIDE FOR STATE AND LOCAL EDUCATION AGENCIES (Washington, DC: National Center for Education Statistics 2022).

What Bar Passage Rates Don't Capture

Setting aside the “lagging” issue, reliance on bar passage rates paints a misleading picture of what ASPs do. ASPs aid students in developing critical skills, not only reading, briefing, and legal analysis, but also metacognition, growth mindset, and resilience.² Pegging ASP effectiveness to bar passage rates disregards this. Furthermore, students who engage with ASPs often demonstrate measurable improvement long before they sit for the bar examination. They may earn higher grades, participate more actively in class, demonstrate increased confidence, or recover from early academic setbacks.³ These intermediate gains are crucial to long-term success, but they may never be directly reflected in bar passage statistics.

ASPs also frequently provide targeted support to students of color, first-generation students, and students from lower socioeconomic backgrounds.⁴ A narrow focus on bar passage risks obscures ASPs' contributions to diversity, equity, and inclusion within legal education. Yet when bar passage rates decline, ASPs are often positioned as the institutional scapegoat—despite the fact that admissions decisions, doctrinal pedagogy, curricular choices, and institutional investment in bar preparation are equally, if not more, influential factors.⁵

Evaluating ASPs based on a single measure distorts the nature of their work. ASPs should instead be assessed in light of their broader missions: building academic skills, supporting at-risk students, fostering professional identity formation, strengthening retention, and advancing equity.⁶

A New Narrative for ASP Success

This of course begs the question, how should ASP effectiveness be evaluated? A more comprehensive evaluative framework would incorporate leading indicators such as attendance, engagement, utilization rates, and early performance trends. Unlike bar passage, which reflects outcomes years after intervention, these measures provide near-term evidence of skill acquisition and academic growth. Attendance and engagement metrics, for example, allow law schools to determine whether programming is reaching intended populations. Early performance improvements, such as stronger midterm results or upward GPA trajectories, offer evidence that ASP strategies are having measurable impact before the bar examination is even administered.

The use of leading indicators addresses the lagging problem, allowing law schools to evaluate effectiveness in real time, adjust programming responsively, and intervene before academic challenges result in long-term consequences. Rather than waiting years to determine whether an intervention succeeded, law schools can identify patterns within a single semester or academic year.

Process measures are equally important. These measures evaluate how ASPs operate within the broader academic landscape rather than focusing solely on student outcomes. Examples include the degree of integration with the law school curriculum, collaboration with doctrinal faculty, alignment with institutional learning objectives, and the incorporation of skills instruction across courses. By tracking these measures, law schools can evaluate whether ASP interventions are effectively implemented and consistently delivered.

Multi-dimensional outcomes, such as GPA improvement, retention rates, and reduced academic probation, address the limitations of relying on a single high-stakes exam. These indicators capture incremental growth, resilience, and skill acquisition, the competencies ASPs are designed to cultivate. Unlike the bar examination, which compresses performance into two- or three-days, these metrics reflect academic development over time. They also mitigate the impact of external factors, such as illness, anxiety, or life disruptions, that may impact performance on exam day.

Broadening evaluation measures also addresses equity concerns raised by reliance on bar passage. Retention, academic recovery, and closing performance gaps among historically underrepresented students are measurable outcomes that reflect commitments to inclusion. If ASPs contribute to narrowing GPA disparities or improving persistence and grit among first-generation students, those gains represent meaningful success, even if bar passage rates, by themselves, do not reveal the underlying progress.

This approach does not ignore the importance of bar passage. Instead, bar results become one data point within a broader evaluative framework. A diversified set of leading indicators, process measures, and multi-dimensional outcomes shortens the feedback loop, reduces distortion from external variables, captures incremental growth, and more accurately reflects the full mission of ASPs.

Bar passage will always matter. But as the dominant measure of ASP value, it is both lagging and incomplete. Law schools should adopt more comprehensive evaluation frameworks that recognize the breadth, complexity, and institutional importance of ASP work.

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² Louis N. Schulze, Jr., *Alternative Justifications for Law School Academic Support Programs: Self-Determination Theory, Autonomy Support, and Humanizing the Law School*, 5 CHARLESTON L. REV. 269 (2011).

³ *Id.*

⁴ Ellen Y. Suni, *Academic Support at the Crossroads: From Minority Retention to Bar Prep and Beyond—Will Academic Support Change Legal Education or Itself Be Fundamentally Changed?*, 73 UMKC L. REV. 497 (2004).

⁵ Katherine Austin-Beltz, Catherine Martin Christopher & Darby Dickerson, *Will I Pass the Bar Exam? Predicting Student Success Using LSAT Scores and Law School Performance*, 45(3) HOFSTRA L. REV. 753 (2017).

⁶ Louis N. Schulze Jr. & Adam A. Ding, *Alternative Justifications for Academic Support III: An Empirical Analysis of the Impact of Academic Support on Perceived Autonomy Support and Humanizing Law Schools*, 38 OHIO N.U. L. REV. 999 (2012).

The Hidden Curriculum in Measuring Law School Academic Success as a Hurdle for Twice-Exceptional Students

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Twice-exceptional students are named as such because they are both academically gifted and learning disabled. As law students, some twice-exceptional students may initially see law school success as “Getting an A” because their academic success prior to law school was not only a given but expected. However, after entering law school, these students may face challenges from the negative impacts of the law school hidden curriculum.

The hidden curriculum requires a student to understand invisible social or professional context beyond that expressly stated in the classroom lecture or in a professor’s syllabus.¹ One such example is “academic success,” which in law school is measured with an increased focus on developing the skills necessary for professional practice over simply having good grades. Yet, once this hidden curriculum is made more visible to neurodivergent law students, they can better navigate their journey towards success as they develop into future lawyers.

In this article, I describe how tension can develop between twice-exceptional law students and the hidden curriculum of “success” in law school, and through identification of potential solutions, invite future discussion on this matter.

Understanding the Hidden Curriculum

The hidden curriculum refers to an underlying social or professional context that is necessary to fully understand a concept in an educational setting.² It exists in many contexts, such as medical school, college, at work, and of course, in law school. The hidden curriculum can be difficult for some neurodivergent persons to see in part due to challenges with identifying social cues, rigid adherence to what is expressly stated, and cognitive inflexibility.³ However, difficulties understanding the hidden curriculum are not exclusive to neurodivergent persons because the hidden curriculum can negatively impact other marginalized groups, such as women, minorities, and LGBTQ+ persons⁴—coincidentally, those who are also more likely to be diagnosed neurodivergent later as adults.⁵

Within the law school context, the hidden curriculum can manifest in many ways, such as knowing one has the ability to ask for an extension, despite a clear due date being listed in the syllabus,⁶ reading cases written primarily by White male judges who have historically maintained the most power in the judiciary,⁷ and success as a burgeoning lawyer defined by understanding *how* to use the law rather than solely *what* the law is. One of the possible reasons that the hidden curriculum around academic success may be more difficult for neurodivergent law students to navigate is because of the additional professional layers and skill development built into legal education. This focus on the development of skills, which is meant to ensure success in future legal practice, then goes beyond the types of learning that law students have previously engaged in and necessarily intertwines professional and social context into legal learning—creating a hidden curriculum elusive to some neurodivergent law students.

Twice-Exceptionality in Law Students

Law school success defined more broadly in these professional terms and beyond one’s grades can have a negative impact on some neurodivergent law students, such as twice-exceptional students. “Twice-exceptional students,” who are simultaneously academically

¹ Sarah J. Schendel, *Due Dates in the Real World: Extensions, Equity, and the Hidden Curriculum*, 35 GEO. J. LEGAL ETHICS 203, 220 (Spring 2022).

² *Id.*; Melissa H. Weresh, *Hidden Lessons, Unforeseen Circumstances: Interrogating the Hidden Curriculum in Legal Education and Its Impact on Students from Historically Underrepresented Groups*, 75 ALA. L. REV. 655, 657–60 (2023). Compared to neurodivergent law students, their neurotypical peers are considered the “dominant” culture for whom hidden curriculum is, in fact, not hidden.

³ *What is Autism Spectrum Disorder?*, AM. PSYCH. ASS’N, <https://www.psychiatry.org/patients-families/autism/what-is-autism-spectrum-disorder> (last visited Nov. 26, 2025).

⁴ Weresh, *supra* note 2, at 671.

⁵ Neha M. Sampat & Esme V. Grant, *The Aspiring Attorney with ADHD: Bar Accommodations or a Bar to Practice?*, 9 HASTINGS RACE & POV. L.J. 291, 337–43, 347–48 (2012); Sara Cruz, et al., *Is There a Bias Towards Males in the Diagnosis of Autism? A Systematic Review & Meta-Analysis*, NEUROPSYCHOLOGY REV. (Jan. 29, 2024); Sara Tookey, *LGBTQIA+ & Neurodivergent: Shining a Light on Intersectionality & Mental Health*, TRUE NORTH PSYCHOLOGY (Dec. 30, 2024), <https://www.truenorth-psychology.com/post/neurodivergent-pride-mental-wellness-for-lgbtqia-communities> (explaining that for LGBTQ individuals, barriers exist to diagnosis as a result of assumptions and dismissal by healthcare providers).

⁶ Schendel, *supra* note 1, at 219–22.

⁷ Elizabeth Stillman, *Unmasking & Refocusing the Hidden Curriculum by Teaching with a CROWN Act Simulation*, CUNY L. REV. BLOG: BREAKING DOWN BARRIERS TO THE LAW (Mar. 20, 2022), <https://www.cunylawreview.org/unmasking-and-refocusing-the-hidden-curriculum-by-teaching-with-a-crown-act-simulation/>. White has been capitalized here to reflect the original author’s work and to also increase accountability and call attention to how Whiteness “functions in our social and political institutions.” *Recognizing Race in Language: Why We Capitalize “Black” & “White”*, CTR. FOR THE STUDY OF SOCIAL POLICY (Mar. 23, 2020), <https://cssp.org/recognizing-race-in-language-why-we-capitalize-black-and-white/>.

gifted and learning disabled (neurodivergent, though most commonly autistic), account for approximately 2-5% of the population.⁸ Many forms of neurodivergence, including those indicated by twice-exceptionality, can (and should be) diagnosed in childhood, especially given that, because they impact brain structure and function, these intellectual and developmental disorders persist since birth. Yet, studies show that poorly developed diagnostic assessments and stereotypes around presentation of neurodivergence prevent proper childhood diagnosis, leading to an increase in late diagnosed neurodivergence.⁹

Some twice-exceptional students may also evade childhood diagnosis for their neurodivergence, in part because they achieve good grades—a socially coveted quality.¹⁰ They may excel at K-12 (and even college) schooling and assessments, which can pipeline them into gifted and talented programming. For some underdiagnosed twice-exceptional children, success by way of good grades has an inherent social value built in that prioritizes the academic and professional potential over any signs of challenge or neurodiversity.¹¹ On the other hand, some of their neurodivergent peers may face chastisement for their inability to conform to social norms in the classroom which can lead to childhood diagnosis and support for their academic performance.¹² Put another way, twice-exceptional children's need to be properly diagnosed can be masked by both their ability to achieve good grades and how invisible¹³ their disability may appear to the outside world.

Consider for example, an autistic girl who learned at an early age to mirror the social interactions of her neurotypical peers and otherwise masked her neurodivergence in social situations. Despite her occasional social oddities (as they were perceived by others), the fact that she was a straight-A student, regularly recognized as top-performing in her school's gifted programming, meant that she never received an autism diagnosis as a child. However, when she started law school, she began to experience challenges in learning for the first time, getting what she perceived as less than stellar grades because they were no longer all As. This then negatively impacted her self-esteem; her mental health suffered and she ended up in counseling. In therapy, as her mask continued to fall (and fail) and as she spiraled into burnout, she discovered that she was autistic and underdiagnosed her whole life.

A twice-exceptional student like the one depicted may have had a lifetime of social equity built up in her grades, whether she actively realized it or not. Then, upon entering law school and trying all the same "right" strategies to achieve the same grades—rather than building knowledge and skill fluency—she may have stumbled upon the hidden curriculum of law school academic success. For twice-exceptional law students, the hidden curriculum adds an unwritten

“Law schools can work to eliminate [the] hidden curriculum and better support neurodivergent law students, regardless of their diagnostic status, by talking about academic success beyond grades and instead focusing on professional and social skill development in the classroom alongside content knowledge.”

⁸ Catherine A. Bell, *Andrew's Impact on Twice-Exceptional Students*, 61 WM. & MARY L. REV. 845, 845 (2020). I suspect this statistic continues to increase given the diagnostic improvements that are now helping to identify adults who previously evaded diagnosis, much like how childhood rates of autism and ADHD continue to increase. *Is There an Autism Epidemic?*, JOHNS HOPKINS BLOOMBERG SCH. OF PUB. HEALTH (June 6, 2025), <https://publichealth.jhu.edu/2025/is-there-an-autism-epidemic/>; Melanie Wolkoff Wachsmann, *CDC: ADHD Diagnoses Rise Sharply Among U.S. Children, Treatment Lags*, ADDITUDE (June 18, 2024), <https://www.additudemag.com/adhd-diagnoses-children-rise-cdc/>.

⁹ Luke P. Grosvenor, *Autism Diagnosis Among US Children & Adults, 2011-2022*, JAMA NETWORK OPEN (2024), <https://pmc.ncbi.nlm.nih.gov/articles/PMC11525601/>; Elie Abdelnour, *ADHD Diagnostic Trends: Increased Recognition or Overdiagnosis?*, 119 MISSOURI MED. 467 (2022).

¹⁰ DEVON PRICE, *DISCOVERING THE NEW FACES OF NEURODIVERSITY: UNMASKING AUTISM 120* (2022) (citing S.G. Assouline, et al., *Profoundly Gifted Girls & Autism Spectrum Disorder: A Psychometric Case Study Comparison*, 53 GIFTED CHILD QUARTERLY 89-105 (2009)).

¹¹ *Id.*

¹² See, e.g., David Jerome & Laurence Jerome, *Approach to Diagnosis & Management of Childhood Attention Deficit Hyperactivity Disorder*, 66 CAN. FAM. PHYS. 732, 733 (2020) (explaining that children with “a history of inattention, hyperactivity, distractibility, poor academic performance, or behavioral problems” can indicate necessary childhood diagnosis of ADHD).

¹³ *Invisible Disability*, INVISIBLE DISABILITIES ASS'N, <https://invisibledisabilities.org/what-is-an-invisible-disability/> (last visited Nov. 26, 2025).

layer of measurement built from “thinking like a lawyer,” which is a new, unfamiliar concept. Thus, a student who has otherwise “mastered” academics may now start to struggle both in grades and experiential learning.

Law School Academic Success as a Hidden Curriculum Challenge

For some of these neurodivergent, twice-exceptional law students, academic success in law school can develop more slowly than their peers who are better able to read between the lines. As a result, twice-exceptional law students may face greater academic challenges as they grapple with the hidden curriculum: trying to understand how to learn the substantive material, which is what they previously understood as success, while also attempting to gauge their own law school academic success without understanding the professional context of the learning. A student that struggles with this hidden curriculum may simultaneously not understand the increased focus on developing the professional skills necessary for practice and the social context of those skills, and the fact that good lawyers arise from the full spectrum of grades (something that is often hard for all law students to understand). Furthermore, such challenges may arise because of the social value that had been previously attached to their good grades and a consistent overperformance that had been internally and externally perceived as success.

But of course, success in law school is neither a linear process, nor is it truly defined by one’s grades, as many students believe. Instead, success is better defined as a journey and is measured by one’s improving path towards “understanding of the law and the ability to apply the law to new legal problems.”¹⁴ Law schools, and in particular their Academic Success programs,¹⁵ focus on helping students build important strategies towards achieving these broader metrics.

However, when a law student, or in particular a neurodivergent law student, hears the phrase “Office of Academic Success,” they may initially understand that this program will help them achieve As. And while Academic Success programming can be used to help those with lower grades improve their academic standing, many of the strategies Academic Success professionals use to achieve this are also scientifically proven to build a long-term fluency with the law and the skills necessary to “think like a lawyer.” Yet, these very Academic Success programs are set against an educational backdrop that rewards quick learning rather than long-term fluency, due to practices like relative (curved) grading and semester-long grades dependent upon one summative assessment.¹⁶ In essence, to achieve law school academic success, students must learn to adeptly navigate two currents at once: one, a sometimes hidden, premise that success depends on building higher-order skills necessary for professional practice, and another more practical reality that success is tied to grades on these curved, cumulative final exams. And while some students who quickly pick up on this hidden context may achieve those highly coveted top grades, other students who struggle longer to grasp this hidden curriculum may later be labeled at-risk for academic dismissal or first-time bar passage.¹⁷

How Legal Educators Can Help Illuminate the Hidden Curriculum

What is needed then is more explicit education on the distinctions between pre-law and law school learning and professional skill development, which can help to shine light on this hidden curriculum. In pre-graduate schooling, academic success is expressly tied to strategies and skills to achieve high grades through memorization and recall,¹⁸ rather than truly understanding material and using it more expansively. For example, standardized testing in grade school and undergraduate assessments rely much more on a student’s ability to master the lower tiers of Bloom’s Taxonomy—understanding and remembering.¹⁹ Therefore, this long history of being rewarded with high grades on lower-order tasks can make law school academic success feel like a moving or invisible target because legal education requires students to move into higher-order tasks like application, analysis, and evaluation to truly succeed.²⁰

¹⁴ Amy Louise Jarmon, *Law School Success in Seven Steps*, AM. BAR ASS’N (Sept. 1, 2013), https://www.americanbar.org/groups/law_students/resources/student-lawyer/student-essentials/law-school-success-seven-steps/.

¹⁵ For consistency, this short article refers broadly to programs that offer support aimed at building academic success as “Academic Success,” even where they may use different terms.

¹⁶ Christine E. Cerniglia, *The Integrated Curriculum of the Future: Eliminating A Hidden Curriculum to Unveil a New Era of Collaboration, Practical Training and Interdisciplinary Learning*, 7 ELON L. REV. 167 (2015); Katherine Silver Kelly, *The High Stakes Hypocrisy of Success in Law School* 3 (2025) (forthcoming 2026), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=5461974 (last visited Nov. 26, 2025).

¹⁷ *Id.* For sure, some law students (both neurotypical and neurodivergent) may not pick up on the subtleties of professional skill building and still excel in law school—perhaps because they are able to recognize patterns more easily, perhaps because their writing skills are stronger and thus exam performance goes better, or for a number of other reasons. Again, being neurodivergent (diagnosed or not) does not necessarily mean that a law student will struggle academically, but evidence indicates that, generally speaking, neurodivergent students struggle more academically than their neurotypical peers. Jerome, *supra* note 13, at 733; Barbara L. Kornblau & Scott Michael Robertson, *Guest Editorial: Special Issue on Occupational Therapy with Neurodivergent People*, 75 AM. J. OF OCCUPATIONAL THERAPY 1, 4 (2021) (describing challenges in academic success for autistic and other disabled college students compared to their neurotypical peers).

¹⁸ Kay Sambell & Liz McDowell, *The Construction of the Hidden Curriculum: Messages & Meanings in the Assessment of Student Learning*, 23 ASSESSMENT & EVALUATION IN HIGHER EDUCATION, 391–402 (1998) (describing grading systems at American universities “where what students ‘really’ learned were strategies [that] enabled them to earn high grades, which was rarely the same thing as understanding the course material”).

¹⁹ *Bloom’s Taxonomy*, GEORGE MASON UNIVERSITY, <https://stearnscenter.gmu.edu/knowledge-center/course-and-curriculum-redesign/blooms-taxonomy/> (last visited Nov. 26, 2025).

²⁰ Christine M. Venter, *Analyze This: Using Taxonomies to “Scaffold” Students’ Legal Thinking and Writing Skills*, 57 MERCER L. REV. 621, 637–38 (2006).

Thus, framing academic success in law school beyond grades and as a combination of understanding the substantive material and learning how to develop the professional skills that *use* that knowledge to solve problems for clients can alleviate the challenge of understanding the hidden curriculum in law school academic success for neurodivergent, and especially twice-exceptional, law students. A twice-exceptional law student who is trained to identify this hidden curriculum of academic success can start to develop a more full-bodied set of skills that can help them grow into a professional who is able to measure their success more broadly than whether they got a good grade.



Law schools can work to eliminate this hidden curriculum and better support neurodivergent law students, regardless of their diagnostic status, by talking about academic success beyond grades and instead focusing on professional and social skill development in the classroom alongside content knowledge. Historically, those from marginalized groups shoulder the responsibility to help students understand hidden curriculum,²¹ and Academic Success educators are overrepresented by marginalized groups.²² But this job does not fall solely to Academic Success professionals; it falls to all law school educators. Recent updated standards from the American Bar Association²³ and continued calls for more skill-based learning across the curriculum²⁴ demonstrate the importance in addressing these hidden curriculum challenges beyond Academic Success programs. Building explicit professional and social context into the classroom experience, especially in required courses; partnering with professional skill building programs and entities (such as occupational therapists who work to support neurodivergent persons); and growing engagement with Academic Success programs can all help to break down some of these barriers around this hidden curriculum in a way that supports our twice-exceptional and other neurodivergent law students.

If legal education wants to continue to support a diverse field of graduates and practicing attorneys, then law school faculty and administrators across the board can and should help uncover the hidden curriculum of academic success to better center and support neurodivergent law students. Doing so will help neurodivergent, including twice-exceptional, law students build the skills necessary for practice sooner and help these students find their value as attorneys separate from their ability to achieve good grades.

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²¹ Schendel, *supra* note 1, at 221.

²² See generally, MEERA DEO, UNEQUAL PROFESSION: RACE & GENDER IN LEGAL ACADEMIA (2019); see also Kris Franklin & Catherine Martin Christopher, *Defining the Discipline: Six Pillars of Academic Success Programming in Law Schools* 73 J. LEGAL EDUC. 795, 814 n. 81 (2025).

²³ Introduction to Learning Outcomes, Assessment, & Evaluation Standards, AM. BAR ASS'N, https://www.americanbar.org/groups/legal_education/about/committees/outcomes-assessments/about/ (last visited Nov. 26, 2025) (describing how ABA Standard 302(b) has been revised to require learning outcomes to tie more directly to professional practice skills).

²⁴ See, e.g., O.J. Salinas, *Secondary Courses Taught by Secondary Faculty: A (Personal) Call to Fully Integrate Skills Faculty & Skills Courses into the Law School Curriculum Ahead of the NextGen Bar Exam*, 107 MINN. L. REV. 2263 (2023); Julianne Hill, *Less Litigation, More Practical Skills in Law School Needed, Junior Associates Say*, ABA J. (Apr. 30, 2024), <https://www.abajournal.com/web/article/less-litigation-more-practical-skills-in-law-school-needed-junior-associates-say>; Erica M. Lux, *Put Me in, Coach: Enhancing Foundational Lawyering Skills Across the Curriculum with Neurodivergent Law Students in Mind*, 52 MITCHELL HAMLINE L. REV. 345 (2026).

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Kind regards,
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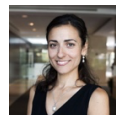
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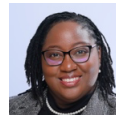
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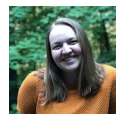
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