

# THE NEW SKILL ON THE BLOCK: USING SOCIAL MEDIA IN THE LAW SCHOOL CLASSROOM TO FACILITATE LEARNING

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## I. INTRODUCTION

The emergence and rapid growth of technology has dramatically changed society, including the way we communicate and interact. People are gravitating toward shorter forms of written communication, like blogs and tweets. And it seems everyone interacts with others in some way on an online social media platform, exchanging ideas, connecting with friends and colleagues, and offering support.<sup>1</sup>

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<sup>1</sup> See Hayley Garrison Phillips, *People are Making Facebook Groups to Cope with Ruth Bader Ginsburg's Health Scare*, WASHINGTONIAN (Nov. 9, 2018), <https://www.washingtonian.com/2018/11/09/ruth-bader-ginsburgh-health-scare-facebook-memes/> ("For young people the internet is how we express ourselves, how we connect with others that believe the same things we do, and the rallying around Ruth Bader Ginsburg is indicative of that.").

As a Legal Writing professor, I wonder how this change in written communication will impact legal education and the profession and how I can better prepare my students for a professional environment that embraces these changes. Communication is an essential lawyering skill. The format for this communication has changed over time, but essentially it is oral and written in some form. The written format has evolved from the traditional memo to the modern memo to email memos. As more communication happens in formats online, and on platforms where word counts are limited but public access is open, lawyers need to be comfortable and effective using this form of communication professionally. Thus, it is our obligation as professors to prepare them for this, using social media ourselves as part of the coursework we expect of students.

Social media “includes an Internet-based service allowing people to share content and respond to postings by others.”<sup>2</sup> In this way, social media is just another forum for sharing and exploring information, like a classroom or educational workshop. Can it be used effectively to achieve educational goals? And can we use it to facilitate learning substantive information and enhancing skills, but more fundamentally and foundationally, to help students understand the professional use of social media and its purpose beyond posting their latest meal creation? One way to explore these questions is to use social media platforms as part of the process in teaching scholarly writing about social justice issues.

## II. SOCIAL MEDIA USE

Social media is pervasive. Most Americans use at least one platform in their private lives – Twitter, Instagram, Snapchat, Facebook.<sup>3</sup> Beyond private life, people have public personas on social media – even politicians.<sup>4</sup> Much of American politics today is happening on social media, and many posit that

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<sup>2</sup> *Social Media Ethics Guidelines of the Commercial and Federal Litigation Section of the New York State Bar Association*, N.Y. STATE BAR. ASS'N, A-5 (Jun. 20, 2019), <https://nysba.org/app/uploads/2020/02/NYSBA-Social-Media-Ethics-Guidelines-Final-6-20-19.pdf>.

<sup>3</sup> According to a Pew Research study, as of February 2019, 72% of U.S. adults used at least one social media site. And users of most sites use the site daily. *Social Media Fact Sheet*, PEW RSCH. CTR. (June 12, 2019), <https://www.pewresearch.org/internet/fact-sheet/social-media/#how-often-americans-use-social-media-sites>. Additionally, a 2012 survey found that “66% of social media users have employed the platforms [for political engagement:] to post their thoughts about civic and political issues, react to others’ postings, press friends to act on issues and vote, follow candidates, ‘like’ and link to others’ content, and belong to groups formed on social networking sites.” Lee Rainie et. al., *Social Media and Political Engagement*, PEW RES. CTR., 1 (Oct. 19, 2012), [https://www.pewinternet.org/wp-content/uploads/sites/9/media/Files/Reports/2012/PIP\\_SocialMediaAndPoliticalEngagement\\_PDF.pdf](https://www.pewinternet.org/wp-content/uploads/sites/9/media/Files/Reports/2012/PIP_SocialMediaAndPoliticalEngagement_PDF.pdf).

<sup>4</sup> H. Tankovska, *Social Media and Politics in the United States – Statistics and Facts*, STATISTA (Feb. 25, 2021), [https://www.statista.com/topics/3723/social-media-and-politics-in-the-united-states/#dossierSummary\\_\\_chapter1](https://www.statista.com/topics/3723/social-media-and-politics-in-the-united-states/#dossierSummary__chapter1) (discussing statistical research on political ad spending on digital media, political content on digital media, and politicians use of social media).

politicians who do not use social media extensively are missing opportunities to connect, control content, and influence.<sup>5</sup> Additionally, many Americans use social media to engage in political or social activism.<sup>6</sup>

Businesses and professionals also use social media.<sup>7</sup> Companies use social media to promote, attract clients, enhance customer service, and educate the public. Professionals use social media for similar reasons. For example, doctors use social media professionally to expand their knowledge and improve their service to patients.<sup>8</sup>

Social media is used in the legal profession as well. Many lawyers and law firms use it for marketing, and those who do not may be missing opportunities to retain new clients.<sup>9</sup> Social media can also be used between lawyers to facilitate knowledge dissemination and professional growth, and to aid clients and enhance access to justice.<sup>10</sup> For example, some non-profit legal organizations use social media sites to provide resources for potential

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<sup>5</sup> TWEETING TO POWER: THE SOCIAL MEDIA REVOLUTION IN AMERICAN POLITICS (Jason Gainous & Kevin M. Wagner eds., 2014) (discussing research measuring the use and importance of social media in the political sphere).

<sup>6</sup> See Monica Anderson et. al., *Activism in the Social Media Age*, PEW RSCH. CTR. (July 11, 2018), <https://www.pewresearch.org/internet/2018/07/11/activism-in-the-social-media-age/> (reporting survey results of Americans' experiences with and views related to political engagement on social media showing around half of Americans engaged in some form of political or social activity and a majority of Americans think social media are important to get elected officials to pay attention).

<sup>7</sup> "Social media is now a critical part of the way people in most walks of life communicate and a key part of how work gets done — from corporations to government." Scree Sreenivasan, *How to Use Social Media in Your Career*, N.Y. TIMES, <https://www.nytimes.com/guides/business/social-media-for-career-and-business> (last visited Aug. 3, 2020) (discussing how and why to use social media professionally).

<sup>8</sup> A survey of medical articles and studies from 2012 found that clinician social media use for personal and reference purposes was widespread, noting that "[s]ocial media has broadly affected medicine, perhaps most publicly by enabling increased communication with and among patients." Marcio von Muhlen & Lucila Ohno-Machado, *Reviewing Social Media Use by Clinicians*, 19 J. AM. MED. INFORMATICS ASS'N 777, 777 (2012); see Christina Newberry, *How to Use Social Media in Healthcare: A Guide for Health Professionals*, HOOTSUITE (Mar. 30, 2020), <https://blog.hootsuite.com/social-media-health-care/> (discussing the benefits and uses of social media in healthcare, including informing users about misinformation, providing crisis communication, answering common questions, and monitoring public health).

<sup>9</sup> See Bethany Tennant, et al., *eHealth Literacy and Web 2.0 Health Information Seeking Behaviors Among Baby Boomers and Older Adults*, 17 J. MED. INTERNET RSCH. 356 (2015) (noting that "almost 90% of older Web 2.0 users (90/101, 89.1%) reported using popular Web 2.0 websites, such as Facebook and Twitter, to find and share health information").

<sup>10</sup> Using technology as a means to enhance public access to justice was a key concern of the ABA Future of Legal Services Report. Some lawyers even use social media to dispel common myths about law and lawyers and make the law more accessible to non-lawyers and law students. "LegalEagle is all about giving you an insider's view to the legal system." LegalEagle, YOUTUBE, [https://www.youtube.com/channel/UCpa-Zb0ZcQjTCPPI1Dx\\_1M8Q](https://www.youtube.com/channel/UCpa-Zb0ZcQjTCPPI1Dx_1M8Q) (last visited Jul. 20, 2020); see also Patrick M. Ellis, *140 Characters or Less: An Experiment in Legal Research*, 42 INT'L J. LEGAL INFO. 303, 307, 341-46 (2014) (arguing that social media has a potential use "as an effective and free information sharing mechanism for legal professionals and [most importantly,] the communities and clients they serve").

clients.<sup>11</sup> And some attorneys benefit from using social media sites like LinkedIn for networking.<sup>12</sup> Additionally, lawyers use social media accounts of others to access information and evidence for their cases and learn more about jurors.<sup>13</sup>

Social media is an interactive way to instantaneously disseminate information, which is crucial to the legal profession. People respond more and faster on social media than they do with traditional forms of communication, like emails or phone calls.<sup>14</sup> Social media can connect individuals to others they may not have known about or had connections with before, those who share similar interests or client bases or scholarly ideas or more expertise in an area.<sup>15</sup> This expands the resources available to attorneys and enhances the research process.

Because social media is used in the legal profession and lawyers are ethically responsible to know the benefits and risks of this technology,<sup>16</sup>

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<sup>11</sup> See, e.g., LEGAL AID SOCIETY, <https://www.legalaidnyc.org/> (last visited Jul. 22, 2020) (Legal Aid NYC website shows the organization has a presence on Facebook, Twitter, Instagram, Flickr, and LinkedIn and its social media accounts contain posts news events, organization actions, and relevant legal issues for clients); LEGAL SERVICES NYC, <https://www.legalservicesnyc.org/> (last visited Jul. 22, 2020) (Legal Services NYC website shows the organization uses Twitter, Facebook, Flickr, and YouTube for the same); see also Kristen Lovejoy & Gregory D. Saxton, *Information, Community, and Action: How Nonprofit Organizations Use Social Media*, 17 J. COMPUT. MEDIATED COMMUN. 337, 349 (2012), <https://academic.oup.com/jcmc/article/17/3/337/4067685#94906332> (examining the Twitter use of 100 large non-profit organizations and finding that “the overwhelming majority of organizations are using dialogue, community-building, and promotion and mobilization in their microblogging efforts”).

<sup>12</sup> Janet Falk, *Social Media Activity for the Solo Attorney*, N.Y. L. J. (May 13, 2020, 12:00PM), <https://www.law.com/newyorklawjournal/2020/05/13/social-media-activity-for-the-solo-attorney/> (discussing how solo practitioners use social media sites, particularly LinkedIn for networking, and the increased use of social media liked LinkedIn during the COVID-19 pandemic).

<sup>13</sup> See Nadine Brozan, *Divorce Lawyers’ New Friend*, N.Y. TIMES (May 13, 2011), <https://www.nytimes.com/2011/05/15/fashion/weddings/divorce-lawyers-new-friend-social-networks.html> (discussing how 81% of members of the American Academy of Matrimonial Lawyers used information about their clients’ spouses obtained from social media networks); see also Chris Ritter & Britta Stanton, *Beyond Jury Selection: Why (and How) Attorneys Should Conduct Social Media Searches of Jurors Throughout Trial*, THE FOCAL POINT (Feb. 21, 2019), <https://www.thefocalpoint.com/insights/articles/1/189> (explaining how and why lawyers use juror social media accounts during trial); see also Molly DiBianca, *Social Media Evidence: From Preservation to Authentication*, THE BENCHER (Nov/Dec 2019) (explaining basic guidelines for preservation, collection, production, authentication, and introduction of social media evidence in court).

<sup>14</sup> Casimir C. Barczyk & Doris G. Duncan, *Social Networking as a Tool for Teaching Business Administration Courses*, 17 INT’L J. HUMANS. & SOC. SCIS. 267, 269 (2011) (discussing the growth of social media use nationally, noting that business are “becoming more aware of the advantages of using social networking sites to communicate with current clients and establish relationships with new clients.”).

<sup>15</sup> *Id.* at 267-70.

<sup>16</sup> “To maintain the requisite knowledge and skill, a lawyer should keep abreast of changes in the law and its practice, including the benefits and risks associated with relevant technology, engage in continuing study and education and comply with all continuing legal education requirements to which the lawyer is subject.” MODEL RULES OF PRO. CONDUCT r. 1.1 cmt. 8 (AM. BAR ASS’N 1983);

students must be comfortable using social media platforms in a professional setting for professional reasons.<sup>17</sup> Just as we teach law students other essential skills and adapt our teaching to these new formats, we should consider ways to teach them about the professional use of social media.<sup>18</sup> This teaching should go beyond using social media for just marketing and beyond teaching about the issues social media raises in trial practice and discovery or the legal issues with social media itself.<sup>19</sup> The informal and personal nature of social media fosters honest communication and candor, which can be helpful and useful to lawyers when used appropriately and professionally. It can improve dialogue, and we can show our students how to form meaningful and lasting connections while conducting themselves professionally. And more than teaching students about professional uses of

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*see also* N.Y. STATE BAR ASS'N, *supra* note 2, at 3 (“A lawyer has a duty to understand the benefits, risks and ethical implications associated with social media, including its use for communication, advertising, research and investigation.”); *see also* Michael E. Lackey Jr. & Joseph P. Minta, *Lawyers and Social Media: The Legal Ethics of Tweeting, Facebooking and Blogging*, 28 *TOURO L. REV.* 149 (2012) (examining common ethical concerns and questions for lawyers who use social media and providing guidance); *see also* John P. Ratnaswamy, *Legal Ethics and Social Media*, *THE BENCHER* (Nov/Dec 2019) (discussing various ethical concerns that may arise when lawyers use social media).

<sup>17</sup> E-professionalism is defined as “the way you engage yourself online in relation to your profession, including your attitudes, actions and your adherence to relevant professional codes of conduct.” Kylie Burns & Lillian Corbin, *E-Professionalism: The Global Reach of the Lawyer’s Duty to Use Social Media Ethically*, *AM. BAR ASS’N J. PRO. LAWS.* 153, 155 (2016).

<sup>18</sup> “The law is an ever-changing profession, and law students have to be adaptable.” ST. JOHN’S UNIVERSITY SCHOOL OF LAW, <https://www.stjohns.edu/law/law-career-development/law-students-ready-profession> (last visited Aug. 3, 2020); *see, e.g.*, Elizabeth Colvin, *The Dangers of Using Social Media in the Legal Profession: An Ethical Examination in Professional Responsibility*, 92 *U. DET. MERCY L. REV.* 1, 2 (2015) (acknowledging that Bar Association and other rules on social media and ethics indicates that social media use is expected to become a mainstay of the legal profession and examining some of the implications for professional responsibility and offering “suggestions as to how states may combat the problems associated with lawyers advertising and using social media platforms in their capacity as a lawyer”); Powerpoint: Jennifer Bergenfeld, *Social Media and the Practice of Law: Ethical Implications and a How-to Guide for Social Media*, N.Y.C. BAR ASS’N (2018) (slide presentation for the NYC Bar Association on the ethical considerations of using social media with examples of misconduct); Simon Canick, *Infusing Technology Skills into the Law School Curriculum*, 42 *CAP. UNIV. L. REV.* 663 (2014) (identifying gaps between the use of technology in practice and in law school classrooms and suggesting ways to change teaching to address the disparity, including methods to encourage professors to teach with technology in ways that model the practices of successful attorneys).

<sup>19</sup> For example, many law schools offer social media and the law type courses. *See, e.g.*, *Law and Regulation of Social Media*, COLUMBIA LAW SCH., <https://www.law.columbia.edu/academics/courses/25613> (last visited Apr. 22, 2021); *Popular Seminar Course Enables Students to Study Social Media & The Law*, AM. UNIV. WASHINGTON COLL. OF LAW, <https://www.wcl.american.edu/news-events/news/popular-seminar-course-enables-students-to-study-social-media-the-law/> (last visited Apr. 22, 2021); *Social Media and the Future of Democracy*, UCLA LAW, <https://curriculum.law.ucla.edu/Guide/Course/6525> (last visited Apr. 22, 2021). This article is not addressing teaching students about the legal implications of social media but is rather addressing using social media as a pedagogical tool in any law school classroom.

social media, social media can be used to enhance and facilitate our students' learning, as it is in other areas of higher education.<sup>20</sup>

Social media has been used in higher education for decades because it enhances social presence for and connections among students, which improves learning outcomes and experiences.<sup>21</sup>

#### A. Social Presence in the Classroom and Social Media Use in Higher Education

An optimal educational experience occurs within a Community of Inquiry (COI), where learning occurs through the interaction of cognitive presence, social presence, and teaching presence.<sup>22</sup> Social presence is “the ability of participants to identify with the community (e.g., course of study), communicate purposefully in a trusting environment, and develop interpersonal relationships by way of projecting their individual personalities.”<sup>23</sup> Some indicators of social presence in online modalities are reciprocal and respectful exchanges and group cohesion for building understanding.<sup>24</sup>

Social presence improves student learning experiences, including increasing participation and satisfaction and improving both actual and perceived learning.<sup>25</sup> And student interaction, exchanges in which

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<sup>20</sup> “For a learned profession like ours to refrain from adapting to new technology and classroom dynamics is analogous to teaching 21st century photography students only how to develop film negatives in a darkroom. Legal education must move beyond “the way we’ve always done things.” Instead, we should meet our next generation of lawyers where they are, strive to speak a common language, and help our students outgrow us. This can be achieved through institutional support for: (1) innovating legal communication curricula; (2) advancing the role of technology in legal education; and (3) honoring diversity and inclusion in our classrooms and the language of law.” Nicholas W. Allard & Heidi K. Brown, *Training Powerful Legal Communicators: What Does the Future Hold?*, 90 N.Y. BAR ASS’N J. 10, 12 (2018).

<sup>21</sup> See generally, Anthony G. Picciano, *Beyond Student Perceptions: Issues of Interaction, Presence, and Performance in an Online Course*, 6 J. ASYNCHRONOUS LEARNING NETWORK 21 (2002); Jennifer C. Richardson & Karen Swan, *Examining Social Presence in Online Courses in Relation to Students’ Perceived Learning and Satisfaction*, 7 J. ASYNCHRONOUS LEARNING NETWORK 68 (2003).

<sup>22</sup> D. R. Garrison, et. al, *Critical Inquiry in a Text-Based Environment: Computer Conferencing in Higher Education*, 2 INTERNET & HIGHER EDUC. 87 (1999).

<sup>23</sup> D. R. Garrison, *Communities of Inquiry in Online Learning*, ENCYCLOPEDIA DISTANCE LEARNING 352 (2d ed. 2009).

<sup>24</sup> Garrison et al, *supra* note 22.

<sup>25</sup> See Jennifer C. Richardson et al., *Social presence in relation to students’ satisfaction and learning in the online environment: A meta-analysis*, 71 COMPUTS. HUMAN BEHAVIOR 402 (2017) (metanalysis of studies on social presence in online learning demonstrating social presence is important for student satisfaction and perceived learning and emphasizing social interaction is important for critical thinking and higher-level learning); see also Anthony G. Picciano, *Beyond Student Perceptions: Issues of Interaction, Presence, and Performance in an Online Course*, 6 J. ASYNCHRONOUS LEARNING NETWORK 21 (2002) (“The results of this study support the findings in other research which establish a strong relationship between students’ perceptions of the quality and quantity of their interaction and their perceived performance in an online course.”).

individuals and groups influence each other, positively influences learning because it encourages students to take responsibility for their learning.<sup>26</sup> Instructor interaction also positively influences student learning.<sup>27</sup>

Decades ago, L.S. Vygotsky's work in developmental psychology demonstrated that social interaction and collaboration with a lecturer and peers is important to learning.<sup>28</sup> "The interaction between individual meaning and socially constructed knowledge is considered a crucial parameter for knowledge acquisition inside a community of inquiry."<sup>29</sup> Social interaction involving cooperative dialogue promotes learning.<sup>30</sup> In the social media era, modern educational researchers have expanded Vygotsky's theory and coined a new term: "Learning 2.0."<sup>31</sup> Learning 2.0 is "a spectrum of pedagogical approaches that draw heavily upon Web 2.0 tools and services."<sup>32</sup> Web 2.0 tools, like social media, blogging, and user-generated content sites, presented an opportunity for educators to rethink course design, particularly learner-generated course content and social presence in the online classroom.

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<sup>26</sup> Alfred P. Rovai & Kirk T. Barnum, *On-Line Course Effectiveness: An Analysis of Student Interactions and Perceptions of Learning*, 18 J. DISTANCE EDUC. 57, 59 (2003); see also Jennifer C. Richardson & Karen Swan, *Examining Social Presence in Online Courses in Relation to Students' Perceived Learning and Satisfaction*, 7 J. ASYNCHRONOUS LEARNING NETWORK 68 (2003) (exploring the role of social presence in online learning and its relationship to students' perceptions of learning and satisfaction with the instructor).

<sup>27</sup> See Jennifer C. Richardson & Karen Swan, *Examining Social Presence in Online Courses in Relation to Students' Perceived Learning and Satisfaction*, 7 J. ASYNCHRONOUS LEARNING NETWORK 68 (2003).

<sup>28</sup> L.S. VYGOTSKY, *MIND IN SOCIETY: THE DEVELOPMENT OF HIGHER PSYCHOLOGICAL PROCESSES* (Michael Cole et al. eds., 1978).

<sup>29</sup> Ioannis Kazanidis, et al., *Facebook and Moodle Integration into Instructional Media Design Courses: A Comparative Analysis of Students' Learning Experiences Using the Community of Inquiry Model*, 34 INT'L J. HUM.-COMPUT. INTERACTION 932, 934 (2018). "The Community of Inquiry theoretical framework represents a process of creating a deep and meaningful (collaborative-constructivist) learning experience through the development of three interdependent elements – social, cognitive and teaching presence." *CoI Framework*, CMTY. OF INQUIRY, <https://coi.athabasca.ca/coi-model/> (last visited Oct. 20, 2020).

<sup>30</sup> Ioannis Kazanidis, et al., *Facebook and Moodle Integration into Instructional Media Design Courses: A Comparative Analysis of Students' Learning Experiences Using the Community of Inquiry Model*, 34 INT'L J. HUM.-COMPUT. INTERACTION 932, 936-937 (2018).

<sup>31</sup> See Steve Wheeler, *Open Content, Open Learning 2.0: Using Wikis and Blogs in Higher Education*, in *CHANGING CULTURES IN HIGHER EDUC.* 103 (Ulf-Daniel Ehlers & Dirk Schneckenberg eds., 2010).

<sup>32</sup> *Id.* at 107. Web 2.0 is a term coined to differentiate the internet before the bursting of the dot-com bubble and after it. Companies who survived "embraced the power of the web to harness collective intelligence." Tim O'Reilly, *What Is Web 2.0: Design Patterns and Business Models for the Next Generation of Software*, O'REILLY (Sept. 30, 2005) <https://www.oreilly.com/pub/a/web2/archive/what-is-web-2.0.html?page=2>. This new era emphasizes social networking, content generated by users, and cloud computing. William L. Hosch, *Web 2.0*, BRITANNICA, <https://www.britannica.com/topic/Web-20> (last visited Oct. 20, 2020).

Social media use in higher education has been studied for over a decade.<sup>33</sup> Researchers have found that the social connections created in the digital learning environment “empower the learner with the capability to tap into a vast and seemingly endless supply of opinion, knowledge, skills, and resources that go beyond anything a single individual would be able to muster.”<sup>34</sup> Using social media follows best pedagogical practices, including making learning student-centered and incorporating social interactions among students and between students and the instructor to motivate students and improve learning, communication, and diversity of ideas.<sup>35</sup> Social presence improves critical thinking, social construction of knowledge, and cognitive presence.<sup>36</sup> And higher levels of social capital, the occupation of an advantageous position in a social network, have a positive impact on learning.<sup>37</sup>

Recent studies in higher education have demonstrated the benefits of using social media, like Twitter, in the classroom.<sup>38</sup> One study concluded that tweeting helps instructors monitor student comprehension of content, encourages more reticent students to participate, and promotes interaction among students and learning among peers.<sup>39</sup> A recent study investigated how

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<sup>33</sup> Social media tools in classrooms “play a positive role in enhancing the performance of learners and encourage active collaborative learning at the level of higher education.” Waleed Mughahed Al-Rahmi & Akram M. Zeki, *A Model of Using Social Media for Collaborative Learning to Enhance Learners’ Performance on Learning*, 29 J. KING SAUD UNIV. COMPUT. & INFO. SCIS. 526, 527 (2017) (students are better motivated to learn and make creative achievements than those restrained by traditional classroom teaching).

<sup>34</sup> With Learning 2.0, students become responsible for their own learning, teachers act more as facilitators, students are able to draw connections between resources and develop useful information patterns, and students are continually engaged with informal learning. Steve Wheeler, *Open Content, Open Learning 2.0: Using Wikis and Blogs in Higher Education*, in CHANGING CULTURES IN HIGHER EDUC. 103, 114 (Ulf-Daniel Ehlers & Dirk Schneckenberg eds., 2010) (concluding that social media tools like wikis can be “used as shared, collaborative spaces to enable students to create and discuss their own content”); *But see* Stefania Manca & Maria Ranieri, *Facebook and the Others. Potentials and Obstacles of Social Media for Teaching in Higher Education*, 95 COMPUTS. & EDUC. 216, 226-27 (2016) (studying why social media is not more commonly used in teaching and noting that faculty resistance is one reason).

<sup>35</sup> Andy Jones, *How Twitter Saved my Literature Class: A Case Study with Discussion*, in 3 TEACHING ARTS & SCI. WITH NEW SOCIAL MEDIA 91, 98-99 (Charles Wankel ed., 2011) (noting that using Twitter in the classroom encourages higher level thinking tasks at the top of Bloom’s taxonomy, like application, analysis, synthesis, and evaluation).

<sup>36</sup> Vitomir Kovanovic, et al., *What is the Source of Social Capital? The Association Between Social Network Position and Social Presence in Communities of Inquiry*, LONDON EDUC. DATA MINING CONF. at 2.2.2 (2015).

<sup>37</sup> *Id.* at 1.

<sup>38</sup> Steven Jacquemin, et al., *Twitter in the Higher Education Classroom: A Student and Faculty Assessment of Use and Perception*, 43 J. COLL. SCI. TEACHING 22 (2014) (summarizing studies demonstrating benefits of using social media in higher education).

<sup>39</sup> Thomas Menkhoff, et al., *Incorporating Microblogging (“Tweeting”) in Higher Education: Lessons Learnt in a Knowledge Management Course*, 51 COMPUTS. IN HUM. BEHAV. 1295, 1296 (2014) (reviewing education literature demonstrating that microblogging, like Twitter, “can help technology-savvy Gen Y students to create meaningful learning outcomes by reflectively



incorporating social media, in the form of twitter and blogs, into two undergraduate courses facilitated teaching and learning.<sup>40</sup> The study analyzed the blog and tweets of students and surveyed students about their perception of using blogs and Twitter in the classroom.<sup>41</sup> The study concluded that students used Twitter to share and discuss course content and reflect and to interact with each other and the lecturer.<sup>42</sup> The author noted that a departure from face-to-face classroom discussions “profoundly” increased student participation in discussions.<sup>43</sup> The author also noted that she was able to respond to students more frequently and readily, which students appreciated.<sup>44</sup> As with other studies, this study also found that student surveys were positive and students felt that they learned from their peers, and the character limit on Twitter required them to think critically and creatively to communicate their point in a summarized way.<sup>45</sup>

Another study analyzing the use of Facebook (a social networking site) for communication and as a learning tool in an online course concluded that students had a better social presence than the control group that used a virtual learning environment.<sup>46</sup> The ability to receive instant notifications and comment and exchange ideas on the Facebook wall created a sense of community that increased student engagement with the course.<sup>47</sup> Another study that used social networking technology to supplement face-to-face instruction also found that students expressed “feelings of social connectedness and expressed favorable feelings regarding their learning

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communicating with both students and instructor within or outside the confines of the classroom provided there is a stimulating (web-based) learning environment, quality interaction and a strong sense of belonging”). Most students surveyed as part of the study enjoyed tweeting and felt it “increases participation, interaction, sharing and engagement.” *Id.* at 1299.

<sup>40</sup> Winner D. Chawinga, *Taking Social Media to a University Classroom: Teaching and Learning Using Twitter and Blogs*, 14 INT’L J. EDUC. TECH. HIGHER EDUC. art. 3 (2017).

<sup>41</sup> *Id.*

<sup>42</sup> *Id.*

<sup>43</sup> *Id.*

<sup>44</sup> *See Id.* for a discussion of the benefits of using blogs in the classroom.

<sup>45</sup> *Id.* “To get the best from social media use in a classroom environment, using them haphazardly should be avoided. Instead, social media works well by clearly defining the purpose for their use or inclusion in a course. Instructors stand to reap more benefits if they effectively incorporate technologies such as social media that leads to long-life learning (achieved through independent learning) amongst students.” *Id.* *See also* Casimir C. Barczyk & Doris G. Duncan, *Social Networking as a Tool for Teaching Business Administration Courses*, 17 INT’L J. HUMANS. & SOC. SCIS. 267 (2011) (noting that the interactive nature of social media makes it valuable as a teaching tool and before using social media in the classroom students should be instructed about how to participate and professor expectations and learning purposes).

<sup>46</sup> Kazanidis, et al. *supra* note 29, at 939.

<sup>47</sup> *Id.* at 940 (“Consequently, it is safe to conclude that the adoption of Facebook as a learning platform can enhance the overall student experience, promote collaboration, strengthen relationships among students, and potentially improve learning performance.”).

experiences in the classes where social networking sites were used as a supplementary tool.”<sup>48</sup>

Using social media for any purpose requires an understanding of the different functions of the various social media sites. Because social media can be used both positively and negatively, professors must become familiar with how these technologies work, how they can influence students, what any negative effects are in order to support positive student use and results, and intervene where there may be negative outcomes.<sup>49</sup> Jan H. Kietzmann, Kristopher Hermkens, Ian P. McCarthy, and Bruno S. Silvestre developed a framework of seven social media building blocks.<sup>50</sup> The purpose of their work was to help businesses conceptualize how to effectively use social media for corporate communication.<sup>51</sup> Each block examines a specific facet of social media user experience and the implications for businesses.<sup>52</sup> But these building blocks can be applied for using social media in education as well. For example, one facet of social media user experience is conversations. The authors consider the “enormous number and diversity of conversations that can take place in a social media setting,” which implicates choices on how to host and track conversations.<sup>53</sup> Professors must similarly consider these facets of social media use in conjunction with their pedagogical goals to understand the implications for the classroom.

Finally, social media use has positive outcomes for the professor, which will result in more effective learning experiences and richer classroom dynamics. For example, social media can be used to encourage students to express emotions about course content and experiences and share feedback.<sup>54</sup> This real-time feedback from students can help either keep the course on track or provide information that will enable the professor to improve future class experiences and assessments.<sup>55</sup>

Though the use of social media in legal classrooms has not been studied extensively as it has in other higher education settings, much of what we have

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<sup>48</sup> Hsui-Ting Hung & Steve Yuen, *Educational Use of Social Networking Technology in Higher Education*, 15 *TEACHING HIGHER EDUC.* 703, 703 (2010) (the study concluded that student positive experiences were related to information-sharing and interaction functions in social networking technology).

<sup>49</sup> Reynol Junco & Arthur W. Chickering, *Civil Discourse in the Age of Social Media*, 15 *ABOUT CAMPUS* 12, 13 (2010).

<sup>50</sup> Jan Kietzmann et al., *Social Media? Get Serious! Understanding the Functional Building Blocks of Social Media*, 54 *BUS. HORIZONS* 241, 241 (2011) (identifying the seven blocks as identity, conversations, sharing, presence, relationships, reputation, and groups).

<sup>51</sup> *Id.*

<sup>52</sup> *Id.*

<sup>53</sup> *Id.*

<sup>54</sup> Patient Rambe, *Constructive Disruptions for Effective Collaborative Learning: Navigating the Affordances of Social Media for Meaningful Engagement*, 10 *ELEC. J. E-LEARNING* 132, 138-41 (2012).

<sup>55</sup> *Id.*

from the higher education studies can be applied to social media use in the law school classroom. And there has been scholarship on the benefits of blended courses in law school, those courses that include face-to-face and online learning in a hybrid format.<sup>56</sup> Additionally, studies about current generations of law students support the idea that social media would enhance the classroom experience and benefit students.<sup>57</sup> For example, scholarship about Generations X and Y in law school explain that these students benefit from more active involvement in the classroom, full participation in the class, and more frequent feedback from the professor.<sup>58</sup> As discussed previously, social media enhances all of these facets of education.

Additionally, given the prevalence of social media in professional legal practice and the need to prepare students to be practice ready, it is incumbent upon law professors to familiarize students with this technology and help them develop the skill of professional social media use.<sup>59</sup>

#### B. Teaching Scholarly Legal Writing and Using Social Media for Scholarly Legal Writing Projects

The process and goals for teaching scholarly writing lend themselves to an experiment in using social media in the law school classroom.

Goals in teaching scholarly writing:

- Students identify a problem and advocate for a solution uniquely their own. These tasks help students develop and improve issue-spotting skills<sup>60</sup> and advocacy skills.

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<sup>56</sup> See Gerald F. Hess, *Blended Courses in Law School: The Best of Online and Face-to-Face Learning?*, 45 MCGEORGE L. REV. 51 (2013) (discussing how blended coursework favors millennial law students who “expect technological competence in their institutions and instructors”).

<sup>57</sup> See generally, Laura P. Graham, *Generation Z Goes to Law School: Teaching and Reaching Law Students in the Post-Millennial Generation*, UNIV. ARK. LITTLE ROCK L. REV. (2018) (suggesting methods for teaching incoming Generation Z law students, forty-one percent of which “reported spending six hours or more per week using social media” in a 2016 survey); KEVIN EAGAN ET AL., HIGHER EDUC. RESEARCH INST. AT UCLA, *THE AMERICAN FRESHMAN: NATIONAL NORMS FALL 2016*, at 20 (2017).

<sup>58</sup> Joan Catherine Bohl, *Generations X and Y in Law School: Practical Strategies for Teaching the “MTV/Google” Generation*, 54 LOY. L. REV. 775, 797-99 (2008).; This scholarship also explains the importance of law professor adaptation to meet the needs of current law students. *Id.* at 790-91.

<sup>59</sup> See, e.g., Katrina June Lee, et al., *A New Era: Integrating Today’s “Next Gen” Research Tools Ravel and Casetext in the Law School Classroom*, 41 RUTGERS COMPUT. & TECH. L.J. 31 (2015) (contending that law professors should teach next generation research tools because it “advances current pedagogical goals: teaching law students information literacy (e.g., research strategy, context, and source evaluation); teaching metacognitive skills; preparing students for law practice; and exploring professionalism and ethics issues”).

<sup>60</sup> Kristina V. Foehrkolb & Marc A. DeSimone Jr., *Debunking the Myths Surrounding Student Scholarly Writing*, 74 MD. L. REV. 169, 173 (2014).

- Students research early in and throughout the project, share information, and critically evaluate sources. This improves research outcomes and skills.
- Students develop in-depth knowledge and expertise on a specific topic.
- Students improve writing skills, including concise writing, global and small-scale organization, and content selection.
- Students improve communication skills overall, adapting to a different audience and using a different tone.
- Students develop problem solving skills and come to better understand the recursive nature of writing to think through problems and perfect solutions and arguments. This is achieved with multiple opportunities for feedback to the writer about her ideas and writing.
- Students develop time-management and project-management skills.

Briefly, my colleague<sup>61</sup> and I required students to participate in a social media platform (private group) as part of their scholarly writing project. During the first few weeks of the semester, after students had chosen a topic for their note, we asked students to join the group. Students were required to post a minimum of 20 times on the site and reply/comment on at least 10 posts<sup>62</sup> from other students. We showed them sample posts but instructed them that posts should be information about their topic discovered during the early stages of research, including articles, data, and images, with their thoughts or questions. They were also instructed that replies should be responses to the ideas, questions, and information posted by others to foster and develop the ideas further. Finally, we provided some “rules” for use, explaining that the site was a non-judgment space where we demonstrate respect for ideas and courtesy to all.

We have used this social media assignment twice so far, and both times we found that the benefits far outweighed any potential concerns or negative experiences. Many of the benefits we noted are benefits you might see in face-to-face experiences where students share information with each other or present to the class, but there were added benefits of doing this using social media technology.

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<sup>61</sup> Elaine Chiu, Professor of Law and Faculty Director, Ronald H. Brown Center for Civil Rights, St. John’s Law School. ST. JOHN’S UNIVERSITY SCHOOL OF LAW., <https://www.stjohns.edu/law/faculty/elaine-m-chiu> (last visited Mar. 28, 2021).

<sup>62</sup> The first time we did this assignment we did not require reply posts and we found that students did not engage with each other as often as when they were specifically instructed to do so. After adding the reply requirement, we found student engagement to be higher and students often replied to more than 10 posts. The replies were mostly meaningful and helpful, offering suggestions, insights, personal experiences, and additional resources.

### 1. *Benefits of Using Social Media in the Classroom*

Much like they would in a face-to-face classroom experience, students in our social media enhanced writing course shared ideas, developed thoughts, and received feedback. Students helped each other develop thoughts on their scholarly research and thesis by sharing germs of ideas and asking questions to prompt more in-depth and analytical thought. Students also shared information about their research process and the choices they made about sources,<sup>63</sup> making the site and the project useful for content development and skill development in a number of ways. Social media technology allowed for instantaneous and easy sharing of ideas, online sources, visuals, and audio, fostering better research and deeper<sup>64</sup> and quicker development of the student's scholarly work.<sup>65</sup> Using social media technology facilitated idea sharing and was predominantly student driven. Student content was interactive and sometimes conversational, which created more social interaction and comfort,<sup>66</sup> but it was also informative and professional.

Additionally, feedback and content development were deepened by using social media technology. Feedback was instantaneous (as it would be in-person)<sup>67</sup> but also could come later after another student had time to reflect on the student's post and consider it more thoroughly, perhaps even exploring it a bit on their own to offer a more thorough reflection, something that would not normally happen after a student classroom presentation. Feedback also came from different sources (other peers and professors), which can happen in-person, but because the online format has no time limit as a class session does, the feedback was more robust and diverse. Collaborative learning was enhanced because social media technology fosters formation and development of ideas and assists with many iterations of the thesis and

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<sup>63</sup> See, e.g., Pat Newcombe, *Crowdsourcing Legal Research: The Opportunities and Challenges*, AALL SPECTRUM, at 26 (2016). <https://digitalcommons.law.wne.edu/cgi/viewcontent.cgi?article=1323&context=facschol> (discussing the emergence and value of crowdsourcing platforms as to conduct online research).

<sup>64</sup> See JUDITH V. BOETTCHER & RITA-MARIE CONRAD, *THE ONLINE TEACHING SURVIVAL GUIDE: SIMPLE AND PRACTICAL PEDAGOGICAL TIPS* (1st ed. 2010) (“Nature of online learning tools allows public viewing of process by which students form concepts, refine them, and apply them to course content. These tools can push students to develop more complex and lasting knowledge.”).

<sup>65</sup> See Menkhoff et. al., *supra* note 39, at 1299 (finding that, in a study where students used Twitter as part of two undergraduate courses, students reported “that tweeting had enabled them to communicate with other students in class and to learn more about what they are thinking”).

<sup>66</sup> See Patrick M. Ellis, *140 Characters or Less: An Experiment in Legal Research*, 42 INT’L J. LEGAL INFO. 303, 311-12 (2014) (discussing the “sense of belonging” social media instills and the gratification of instantaneous feedback).

<sup>67</sup> See Menkhoff et. al., *supra* note 39, at 1299 (finding that a “very large number of students (34/83) said that the tweeting option had allowed them to post urgent questions and seek answers in relation to the subject matter”).

scholarly work to a final version.<sup>68</sup> It allows for more comfortable sharing of contrary views to help develop stronger arguments and counter-arguments, and allows for sharing of sources to streamline research but also expand the universe of sources.

Collaborative and interactive information and idea exchange fosters creativity and ingenuity, essential lawyering skills.<sup>69</sup> It can also help students build necessary confidence for professional growth and success as they receive feedback and observe other student's work. Other benefits essential for learning and professional growth and success are also developed and enhanced: providing constructive feedback, contributing to the work of others and the collective, and increasing socialization and team building skills. Increasing social presence in the classroom helps build social capital, which can create confidence in the student and catapult students to new levels of thinking and engaging beyond the traditional classroom.<sup>70</sup> This increased confidence will undoubtedly help them as they enter the profession and result in a strong group of future lawyers.

In a practical sense, this project also encourages students to get an early start on research and thinking about their thesis and analysis. Before we incorporated this social media assignment into the course, students would research their topics at a very surface level and not fully engage with the materials or think thoroughly about their approach until much later in the semester. Building in these earlier assignments demonstrates the importance of project planning and time management and helps students internalize this structured approach. Additionally, professors can monitor and follow student research more immediately and in a more direct and individualized way. Professors can comment on individual resources and student thoughts about those resources in a reply post, offering real-time, specific feedback. Though we still have students submit traditional research logs, we found that students shared more of their thoughts when they posted about sources using the social

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<sup>68</sup> See Chawinga, *supra* note 40 (discussing studies that demonstrate use of Web 2.0 technologies helps students co-create knowledge and develop a skill of critique of content).

<sup>69</sup> Law school classes and professors have been criticized for their reluctance to create an active-learning environment. In an early article promoting the benefits of active-learning and technology to achieve it, Rafael Gely and Paul Caron criticize the over-reliance on the Socratic method and expose its weaknesses as a tool for active-learning. They advocate for the incorporation of technology as a way to "increase active student learning and, in the process, empower students to resist their laptop's siren song." Rafael Gely & Paul Caron, *Taking Back the Law School Classroom: Using Technology to Foster Active Student Learning*, 54 J. LEGAL EDUC. 551, 551-52 (2004) (focusing on using older forms of technology like Powerpoint and other newer forms like classroom performance systems).

<sup>70</sup> See Kovanovic, *supra* note 36, at 2.3 ("[H]igher the social capital of a learner is, the more capable the learner is in terms of learning opportunities, information exchange, or integration within the academic environment . . . By engaging students to participate in discussions with clearly defined expectations, students developed social relationships which can in turn has positive impacts on the attainment of the learning objectives and their academic experience.").

networking site and would engage in exchanges with us on the site when we posted a reply.<sup>71</sup> These interactions allowed for more thorough and helpful research feedback for the students.

Using a social media site for scholarly research exchange and note development also allows for interactive and personal communication in a way that is familiar to and comfortable for this generation of students. This familiarity has a number of positive effects: Because students use these sites in their everyday lives and often consider them useful, students adapt easily when the sites are incorporated into a classroom.<sup>72</sup> The use of familiar technology (and technology that is often used in a personal way) helps students build confidence because they already know how to use this technology and use it with ease. And using familiar technology encourages students to begin projects without delay because they already feel comfortable and believe themselves to be capable. This familiarity improves the quality of the information and ideas students share.

Because social media sites are often more comfortable environments for students, they are also less-threatening than in-person exchanges. This comfort helps break down barriers to sharing, like feelings of isolation and exclusion.<sup>73</sup> It fosters the exchange of thoughts and viewpoints, even contrary ones. Students are used to and comfortable with sharing from a distance but in an intimate way, and in this way, they can offer support and encouragement to fellow students or stretch their viewpoint and challenge their ideas. The respect for others and their ideas that can be generated by using a social media site can also translate to and carry forward to the face-to-face classroom.

And while using social media for education purposes allows for interactive and personal communication in a way that is familiar to the students, now they are learning how to use it for scholarly professional

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<sup>71</sup> For example, before incorporating the social media assignment into the course, we would provide feedback on student research logs and post a sign-up for students to discuss their progress and their plan going forward. This provided one opportunity to meet and talk, but not much opportunity for continued dialogue as students found other sources or had other thoughts until the next assignment was due to be submitted. Some students might reach out in between with questions, and some might volunteer to share their progress with the class when we prompted, but students did not universally engage with us consistently throughout the research process and development stages. Some students would not even follow up with us after receiving initial feedback on their research logs. With the social media assignment, we noticed almost universal responses from students to our prompts and replies about their posts. And we could generate excitement about their work in a public way on the site that seemed to encourage them to continue to engage with us after the assignment to continue work on the scholarly note.

<sup>72</sup> Sacide Guzin Mazman & Yasemin Kocak Usluel, *Modeling Educational Usage of Facebook*, 55 *COMPUT. & EDUC.* 444, 451 (2010).

<sup>73</sup> See Menkhoff et al., *supra* note 39, at 1299 (finding that in a study where students used Twitter in two undergraduate courses, almost all students “agreed that the tweeting option had helped them to effectively communicate certain thoughts and ideas about the subject matter in a non-threatening way” and “had enhanced social interaction amongst class participants.”).

purposes, which will benefit them beyond law school. Using social media in a controlled way with guidance from a professor can reinforce important lessons about using caution when posting professionally in the role of an attorney and help students understand the significance of permanent public comments, which can carry forward into other settings.

Educators need to prepare students with the skills to succeed in the information age, including the ability to create and use information.<sup>74</sup> One way to do this is to use social networking sites in courses for experiential knowledge.<sup>75</sup>

## 2. Concerns About Using Social Media in the Classroom

Although there are a number of benefits and positive outcomes from using social media in the classroom, there are also potential negative effects and pitfalls that can be identified and avoided.

One significant concern is student privacy rights. One case study where students used a private Facebook group found that the privacy of the secure group was important to building the social community and creating trust – students would not want to share too much of their personal lives with professors and vice versa.<sup>76</sup> Therefore, before using any social media in the classroom, professors should consider the privacy rights of the students, the privacy options on the site, and what the hosting site will do with any personal information users share.<sup>77</sup> One idea is to have students (and professors) create specified accounts and hashtags just for learning.<sup>78</sup> Another is to use online learning sites that are set up like social media sites, like Edmodo.<sup>79</sup> Additionally, law professors using social media should

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<sup>74</sup> Charles Kivunga, *Unpacking the Information, Media, and Technology Skills Domain of the New Learning Paradigm*, 4 INT'L J. HIGHER EDUC. 166, 168-69 (2015) (identifying and examining the “functional and critical thinking skills related to information, media and technology, which citizens and workers must be able to exhibit”).

<sup>75</sup> Kazanidis, et al. *supra* note 29, at 935.

<sup>76</sup> Jerome Hilscher, *A Case Study Examining How Students Make Meaning out of Using Facebook as a Virtual Learning Community at a Midwestern University*, IOWA STATE UNIV. THESES & DISSERTATIONS (2013); von Muhlen & Ohno-Machado, *supra* note 8.

<sup>77</sup> See Julia E. Rodriguez, *Social Media Use in Higher Education: Key Areas to Consider for Educators*, 7 J. ONLINE LEARNING & TEACHING 529, 543 (2011) (“Even though social media tools being used do not collect enough personally identifiable data to threaten FERPA laws in most cases, the issue of student privacy in the broader context is still one that should be strongly considered.”).

<sup>78</sup> Chawinga, *supra* note 40 (compiling recommendations and guidelines from scholarship for how to set up Twitter for the classroom and recommending dedicated accounts and hashtags, clear expectations and etiquette, modeling appropriate posts, encouraging engagement with positive feedback, and potentially using pseudonyms instead of real names).

<sup>79</sup> For our project, we used GroupTweet the first year, which we did not prefer as much as Edmodo, which we used the second year. But both allowed us to create a private group for the class. Edmodo is an online interactive education platform that allows teachers and students to communicate, share class materials and make online learning easier. GroupTweet allows multiple contributors to tweet from a single Twitter account.



consider developing a social media policy on sharing content and dissemination of information.<sup>80</sup>

Using technology of any kind also creates concerns about accessibility. Faculty should consider whether the site can accommodate the diverse learning needs of students,<sup>81</sup> but also whether students will be able to access the site, understand how to use it, and participate meaningfully in the course.<sup>82</sup>

Additionally, presuming student privacy will be protected and they will have access, using social media sites as a learning space presents the same challenges one might face in a classroom, but in a new space. First, the professor must establish guidelines for participation and etiquette, as in any classroom setting. Virtual interactions present their own unique challenges in this way. Students might feel more emboldened to be disrespectful or may be more careless about civility in an online format.<sup>83</sup> Students may also easily misinterpret tone or misunderstand other students.<sup>84</sup> Any virtual learning space must attempt to pre-emptively address concerns about respect and

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<sup>80</sup> Harvard Law School recently announced its new Community Principle on Non-Attribution after an image of a student cleaning a gun in a classroom was shared on social media. Stephanie Francis Ward, *Classmates' Comments Should be Confidential, Harvard Law Says in New Social Media Policy*, A.B.A. J. (Sept. 8, 2020), <https://www.abajournal.com/news/article/harvard-law-introduces-social-media-policy-about-classroom-statements>; *HLS Community Principle on Non-Attribution*, HARV. L. SCH. <https://hls.harvard.edu/dept/registrar/policies-and-forms/hls-community-principle-on-non-attribution/> (last visited Mar. 18, 2021) The law school noted that “[t]he proliferation of social media affects this learning environment. Because of the potential permanence and widespread dissemination of communications through social media and other forms of communication designed to reach members of the public, if statements made in class are quoted or described with attribution in those media, students may be reluctant to approach any question, particularly controversial ones, with the openness and vulnerability they need to grow as lawyers and to learn from one another.” *Id.* The policy prohibits students, “[w]hen using social media or other forms of communication designed to reach members of the public” from repeating or describing “a statement made by a student in class in a manner that would enable a person who was not present in the class to identify the speaker of the statement.” *Id.*

<sup>81</sup> Rodriguez, *supra* note 77 (“In the area of access, faculty members need to consider a chosen medium’s ability to accommodate students’ diverse learning needs, which include accessibility as defined by the Americans with Disabilities Act (ADA).”).

<sup>82</sup> See Joanna Meyer, *Challenges Affecting Low-income Communities’ Ability to Deliver and Sustain Virtual Education During the COVID-19 Crisis*, YALE SCH. MED. (May 29, 2020), <https://medicine.yale.edu/news-article/25066/> (discussing the accessibility challenges low income and vulnerable communities face during the COVID-19 pandemic when virtual schooling became necessary).

<sup>83</sup> John G. Browning, *How Social Media is Impacting Law Students*, D MAGAZINE (Dec. 2016), <https://www.dmagazine.com/publications/d-ceo/2016/december/how-social-media-is-impacting-law-students-dallas> (describing the Maryland State Board of Bar Examiners Character Committee’s decision to deny a recent law school graduate admission to the bar in part because of offensive online posts and discussing the importance of advising law students on professional and proper use of social media).

<sup>84</sup> See Melissa Ritter, *Why is There so Much Miscommunication via Email and Text*, PSYCH. TODAY (Feb. 15, 2015), <https://www.psychologytoday.com/us/blog/contemporary-psychoanalysis-in-action/201502/why-is-there-so-much-miscommunication-email-and> (explaining why miscommunication happens more frequently with electronic messages).

cooperation, professionalism, and ethics. Professors should model the kinds of appropriate posts they expect from students and encourage students with positive feedback for meaningful, respectful posts.<sup>85</sup>

Just as professors are facilitators in the classroom and are tasked with establishing an engaging environment for learning,<sup>86</sup> so too must the professor play that role in the virtual social media learning space.<sup>87</sup>

Second, a professor must similarly be concerned about student connection and engagement with the work.<sup>88</sup> This is true for any classroom, but using social media presents additional concerns about easy distractions<sup>89</sup> and superficial reading and thinking that comes as a byproduct of how social media is used for personal reasons. People often post something quickly, with little forethought or deeper consideration of the material. This can easily happen when social media is used as a learning space because it is almost engrained in how we use social media generally.<sup>90</sup>

Finally, unique to using a social media site for a learning space is the concern about digital overload. Students already use technology excessively in their personal lives and adding one more use for an educational reason may be too much.<sup>91</sup> Careful thought about how to use the social media site and

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<sup>85</sup> See *Id.* (noting several factors that influenced whether students used social media for learning, including rewarding participation (a grade), positive feedback and retweeting student posts, some form of collaboration/collaborative learning, connectivity issues, accessibility); See Jones, *supra* note 35, for additional recommendations.

<sup>86</sup> Chia Suan Chong, *Making the Shift: 'Teacher as Knowledge Owner' to 'Teacher as Facilitator'*, ENG. TEACHING PRO. (Jul. 2, 2013), <https://www.etprofessional.com/making-the-shift-teacher-as-knowledge-owner-to-teacher-as-facilitator>.

<sup>87</sup> See Menkhoff, et al., *supra* note 39, at 1299 (“Our study suggests that the micro-blogging behavior of the instructor is arguably a critical enabler of students’ engagement as learners expect the instructor to be actively involved in the tweeting process in order to be perceived as credible.”).

<sup>88</sup> This concern drove much of the initial resistance to laptop use in the classroom. However, laptop bans were no match for the tidal wave of technology devices that digital natives bring to and insist on using in the classroom, and they often provide many benefits for student learning. See Kristen E. Murray, *Let Them Use Laptops: Debunking the Assumptions Underlying the Debate Over Laptops in the Classroom*, 36 OKLA. CITY U. L. REV. 185 (2011) (discussing reasons for laptop bans and encouraging professors to allow students to use laptops because of the benefits to law students).

<sup>89</sup> Jeffrey R. Young, *Students Are Distracted. What Can Educators Do About It*, EDSURGE PODCAST (Oct. 27, 2020), <https://www.edsurge.com/news/2020-10-27-students-are-distracted-what-can-educators-do-about-it> (“[W]e are in an era in which companies are spending massive amounts of dollars in order to create devices that capture our attention. So we have to be aware of the fact that we’re in a period in which there are acute challenges to our attention.”).

<sup>90</sup> *As Digital and Offline Lives Merge, 8 Out of 10 US Teens Post to Social Media Without a Second Thought*, CISION PR NEWSWIRE (Aug. 27, 2015), <https://www.prnewswire.com/news-releases/as-digital-and-offline-lives-merge-8-out-of-10-us-teens-post-to-social-media-without-a-second-thought-300134097.html> (referencing *Digital Families 2015: Evolving Attitudes Around Social Media and App Use*, ASK.FM (2015), <https://about.ask.fm/wp-content/uploads/2015/08/Ask-fm-Digital-Families-2015-US-UK-Ireland.pdf>).

<sup>91</sup> See Laura P. Graham, *Generation Z Goes to Law School: Teaching and Reaching Law Students in the Post-Millennial Generation*, 41 UNIV. ARK. LITTLE ROCK L. REV. 29, 81 (2018) (discussing the cognitive overload Gen Z students face from constant use of technology and how it impairs their

what pedagogical purpose it is serving can help determine whether it should be used, how it should be used, and to what extent.<sup>92</sup> Additionally, faculty should consider how to help students organize, track, and prioritize posts to avoid overload and confusion. Professors must be cautious not to get caught up in the flashiness of technology as an attempt to appeal to digital learners.<sup>93</sup>

### 3. *Potential Uses for Social Media in Other Classes*

We have found that using social media in a scholarly writing classroom as a way for students to share research and exchange ideas and resources about a scholarly issue serves a variety of pedagogical purposes in our class and has been an effective way for students to begin research early, stay on track, engage more with each other, collaborate in their learning, deepen their understanding of the material, and spark creative ideas and solutions. But certainly, social media can serve pedagogical purposes in other law school courses as well, because in any course there is value in having students share with each other and write about what they are working on.<sup>94</sup> But like all assignments and learning tools, professors must frame the goals and expectations to make social media use effective for learning.

Social media sites can be used almost like online study groups. Students can share hypotheticals and exchange answers or provide feedback and study tips, encouraging learning and reinforcement of the material.<sup>95</sup> Or students can share current events related to the area of law they are studying and

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ability to pay attention and their higher-level thought processes and encouraging use of technology as a tool rather than a driver of how professor teach).

<sup>92</sup> Menkhoff, et al., *supra* note 39 at 1301, (“One way of coping with issues such as cognitive overload which is caused by the large number of tweets learners have to deal with, is to develop and integrate a dedicated tracking application into the tweeting system. This would enable users to organize (Twitter) discussions more effectively by archiving/prioritizing those tweets worthy of further in-depth discussions with the help of specific tabs. It would also equip users with useful analytics to focus class discussions on essential topics (e.g. via the use of word clouds), supplemented by a participation index to assess students’ participation levels.”).

<sup>93</sup> Though it is tempting to experiment with new technology with the hopes of engaging students more, using technology for its own sake is not in line with best pedagogical practices. The technology should serve a purpose in the learning, not replace it. For this reason, scholars advocate for incorporating technology with face-to-face teaching for optimal learning. See James B. Levy, *Teaching the Digital Caveman: Rethinking the Use of Classroom Technology in Law School*, 19 CHAP. L. REV. 241 (2015).

<sup>94</sup> Social media can also be used in other ways throughout the law school. See generally Patricia Salkin, *Social Media and the Law School Constituents*, FAC. LOUNGE (Sept. 14, 2013), <https://www.thefacultylounge.org/2013/09/social-media-and-the-law-school-constituents.html> (For example, former Dean Patricia Salkin discusses how she used social media to communicate with students and faculty members and found it more successful than sending an email.).

<sup>95</sup> Albert L. Harris & Alan Rea, *Web 2.0 and Virtual World Technologies: A Growing Impact on IS Education*, 20 J. INFO. SYS. EDUC. 137 (2009) (identifying benefits of using Web 2.0 technologies, such as social media, in the classroom, including student active involvement in the learning process in a way that enhances understanding of material and expanding the scope of the classroom to the world outside and beyond the normal meetings times of a class).

engage in meaningful discussions and exchanges, thereby using real world issues and examples to reinforce classroom learning and expand student viewpoints.<sup>96</sup> Or students can collaborate on an assigned project, building essential teamwork skills. Students can exchange work on social media sites or create repositories for resources. Additionally, posting and exchanging comments and materials on social media helps students understand their ethical and professional obligations with online communications before entering the profession, where these communications are ubiquitous.

#### *4. Social Media Use in the Online Classroom During the COVID-19 Pandemic*

As a result of the rapid spread of COVID-19 in March 2020 and the large-scale quarantine orders, many higher education institutions moved to remote instruction, providing classes online.<sup>97</sup> Professors scrambled to adjust and refocus their courses, and many spent the Summer 2020 months learning how to teach online and how to improve interactive learning and student engagement online.<sup>98</sup>

Though pandemics are few and far between, and the distribution of a COVID-19 vaccine may soon result in a return to in-person learning, the pandemic has provided higher education instructors with an opportunity to bridge the gap for future students. Learning from the successes and failures of online teaching during this time and thinking about the advantages of using social media tools in the classroom, professors can improve future courses for incoming students. Technology is constantly improving, and more young Americans use it consistently for personal and educational reasons.<sup>99</sup> They will enter higher education with an expectation that this technology will be incorporated into their learning experiences.<sup>100</sup> Instructors who rely solely on

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<sup>96</sup> *Id.*

<sup>97</sup> See Alisha Ebrahimji, *Students Navigate Uncharted Territory as Pandemic Forces Education Online*, CNN (Mar. 24, 2020), <https://www.cnn.com/2020/03/16/us/online-school-coronavirus-trnd/index.html>.

<sup>98</sup> Colleen Flaherty, *Not 'Glorified Skype,'* INSIDE HIGHER ED (Aug. 27, 2020), <https://www.insidehighered.com/news/2020/08/27/teaching-fall-not-glorified-skype> (“The summer offered little relief, as professors used the time to transition their fall courses to a fully online format or, more time-consumingly, to multiple formats for a range of reopening scenarios.”).

<sup>99</sup> See Victoria Rideout, *The Common Sense Census: Media Use by Kids Age Zero to Eight*, COMMON SENSE (2017), [https://www.common sense media.org/sites/default/files/uploads/research/csm\\_zerotoeight\\_fullreport\\_release\\_2.pdf](https://www.common sense media.org/sites/default/files/uploads/research/csm_zerotoeight_fullreport_release_2.pdf) (last visited Mar. 20, 2021) (reporting that the average amount of time spent with mobile devices tripled between 2011 and 2013 and the digital divide is shrinking).

<sup>100</sup> See *College Students Expect a More Connected Technology Experience Outside the Classroom*, BUSINESSWIRE (Oct. 31, 2017), <https://www.businesswire.com/news/home/20171031005404/en/College-Students-Expect-a-More-Connected-Technology-Experience-Outside-the-Classroom> (reporting that 97% of students “believe[d] that technology outside the classroom is just as important to their success as technology inside the classroom” and 81% “believe[d] social media fostered an emotional connection.”).

in-person, dated methods of teaching may find they are missing opportunities to connect with students and maximize learning.

Most students use laptops or mobile devices in class for note taking purposes.<sup>101</sup> This presents opportunities for students to become distracted because they have easy access to the internet. Engaging students in online activities can help refocus them and limit distractions. If students are online anyway, why not force them to participate in classroom activities like peer reviews and discussions using a social media platform, thereby merging traditional teaching techniques with current technology use.<sup>102</sup>

An additional benefit of using online learning tools is that it better prepares students for the professional world and can even help students feel that their education is connecting them with and preparing them for the profession. Receiving feedback or help or suggestions on their work and research will result in students feeling more fulfilled and confident. Even after the pandemic, remote classes may become a permanent fixture (to some degree), and some law firms might continue telework or online meetings. Online courses offer students flexibility to schedule time to work at intern or externships, while also completing their course load requirements. Finally, online learning tools provide more opportunities for non-traditional students, who may have obligations like jobs and families that prevent them from attending traditional in-person classes or connecting with other students in meaningful ways in class.<sup>103</sup>

### III. CONCLUSION

Overall, using social media as a supplemental tool in the classroom (whether it is an online course or an in-person course) has pedagogical benefits. Among the many benefits, social media (1) helps instructors monitor student comprehension of content; (2) encourages more reticent students to participate and increases overall student engagement; (3) promotes interaction among students and learning among and from peers; (4) increases student participation in discussions; (5) enables the professor to respond to students more frequently and readily; (6) requires students to think critically and creatively to communicate their point in a summarized way; (7)

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<sup>101</sup> *Pearson Mobile Device Survey*, HARRIS POLL (June 2015) <https://www.pearson.com/content/dam/one-dot-com/one-dot-com/ped-blogs/wp-content/uploads/2015-Pearson-Student-Mobile-Device-Survey-College.pdf> (last visited Mar. 22, 2021).

<sup>102</sup> Platforms such as Eli and Peerceptiv can be used for peer reviews. Another platform of note is Padlet, a digital bulletin board where students can share content. For social media use, see use of Edmodo and GroupTweet described *supra* note 79 and accompanying text.

<sup>103</sup> See Stephanie Moore & Charles B. Hodges, *So You Want to Temporarily Teach Online*, INSIDE HIGHER ED (Mar. 11, 2020), <https://www.insidehighered.com/advice/2020/03/11/practical-advice-instructors-faced-abrupt-move-online-teaching-opinion> (discussing how to set up online spaces for students to engage in informal social learning and support that is “crucial to student learning”).

increases the sense of community and connectedness; and (8) enables students to provide the professor with real-time feedback to keep the course on track or enable the professor to improve future class experiences and assessments. Although professors must become familiar with how these technologies work, how they can influence students, and what any negative effects are in order to support positive student use and results, the overall benefits of social media are worth the time and effort to do this. Law school and the law itself is oft criticized as sluggish when it comes to incorporating new technology.<sup>104</sup> Let us not fall farther behind.

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<sup>104</sup> John G. Browning, *How Social Media is Impacting Law Students*, D MAG. (Dec. 2016) <https://www.dmagazine.com/publications/d-ceo/2016/december/how-social-media-is-impacting-law-students-dallas/> (“Although law schools in general have lagged in incorporating technology into their curriculums, career services professionals have championed the use of social networking platforms to connect with potential employers and clients.”).