

Florida A&M University College of Law

Scholarly Commons @ FAMU Law

Journal Publications

Faculty Works

2022

Defying Middle Child Syndrome: A Proposal for Achieving Bar Success by Reimagining the 2L Experience

Eurilynne A. Williams

Follow this and additional works at: <https://commons.law.famu.edu/faculty-research>



Part of the Legal Education Commons

Defying Middle Child Syndrome: A Proposal for Achieving Bar Success by Reimagining the 2L Experience

Eurilynne A. Williams

Interim Director and Instructor of Academic Success and Bar Preparation

FAMU College of Law

Middle child syndrome is the belief that middle children are excluded, ignored, or even outright neglected because of their birth order.¹ Traditional American law schools, just like many families, are comprised of several “children,” or more accurately stated, groupings of children consisting of 1L, 2L, and 3L students. The unspoken (or at least not very often spoken) truth about law schools is that the proverbial middle children, the 2Ls, have to a degree been excluded, ignored, or even outright neglected by the legal academy. While there is a body of research dedicated to children's personality traits based upon birth order,² this article speaks to the treatment law school 2Ls as middle children are subjected to, whether it be actual or merely perceived.

Let's presume law professors and administrators are the equivalents of the parental units who provide instruction and guidance with expectations that their students (the children in this analogy) will absorb information, engage in the metacognitive process,³ and develop their own ideas about the law and aspirations toward rewarding legal careers. The students voluntarily, yet sometimes apprehensively, become members of the law school family, an institution of unknowns. They are subjected to unfamiliar curricula and teaching methodologies, surrounded by newfound academic siblings.

Consider the following descriptions of each “child's” place in the law school family.

1L Experience: The parental units are undoubtedly excited to receive each new class of 1Ls, spending countless hours feverishly preparing for their arrival. Some law schools offer pre-orientation programming designed to build a foundation of critical skills. It's the equivalent of the baby shower, where a child receives gifts before claiming their place in the family.

Next comes the official 1L orientation program filled with sessions covering numerous topics, including course registration, financial aid, library/research tools, tutorials, student affairs matters, professionalism, mock classes, peer mentoring, and programming intended to demystify the law school learning experience. In the jurisdiction where I teach, the Board of Bar Examiners sends live (yes, live!) representatives to campus to explain the bar application process and encourage 1Ls to take advantage of a discounted application fee by applying early. It's personalized service at its best!

Orientation is generally followed by a one or two-semester ASP course that complements substantive law courses and a mandatory, year-long Legal Research and Writing course. Student organizations are ever-present throughout the first year, seeking out new members from the incoming class, while commercial bar vendors are actively establishing connections with the new cohort by visiting classes, tabling, and offering free study aids.

This description of the 1L experience is certainly not intended to be exhaustive. I liken it, however, to the two separate baby showers hosted by family, friends, and coworkers to celebrate the arrival of my first child. There were far more gifts than I needed at the

“The ... not very often spoken truth about law schools is that the proverbial middle children, the 2Ls, have ... been excluded, ignored, or even outright neglected by the legal academy.”

time, some of which I didn't even know how to use. Suffice it to say, the deluge of information imparted to 1Ls is utterly overwhelming for most, but the "parents" see it as a necessary showering of the newcomers with transitional resources and support networks.

For an adequate contrast, let's skip the 2L experience and next reflect on the 3Ls.

3L (and beyond) Experience: At this stage, the parental units are concerned about their children on the verge of leaving the nest. It's time to pull out all the stops! Many American law schools boast a third-year bar course as a precursor to the official bar preparation season. Some offer two separate courses, one that emphasizes the state-specific components of the exam and one that highlights the MBE.

Besides these specialized course offerings, the Board of Bar Examiners again appears either live or remotely to explain the bar application process and encourage 3Ls who have not already completed their bar applications to do so before graduation. There are numerous workshops and presentations centered around bar preparation and bar passage. The registrar provides instruction on securing final transcripts and the dean's certification. Financial aid advising is amplified to ensure students have access to the funds needed for post-graduation studies. Administration invests in supplemental commercial bar preparation resources that are delivered to 3Ls at no expense to the students.

The 3L parental attention extends into the post-graduation bar prep season, with bar prep coaching and/or tutoring, health and wellness resources, substantive law workshops, etc. Law school library hours and rules for study room reservations are often adjusted to accommodate bar-preppers. The list goes on.

These descriptions are by no means criticisms of the enormous effort law schools pour into every graduating class. I am encouraged by this attentiveness to the success of our first- and third-year students and suggest that we extend it to 2Ls who may feel neglected and overlooked like middle child(ren).

Because we may overlook the 2L potential opportunities to impact ultimate bar passage, we must then examine what we typically provide to enhance the 2L learning journey.

2L Experience: When it comes to 2Ls, from what I've observed, the parental units pay far less attention to the middle children. Maybe the law school offers a third semester of Legal Research and Writing, or not. Perhaps there's an upper-level skills course offered, but it's usually designated for students on academic probation. But what about the 2L who is not on probation and earned a D in a first-year required course and didn't have to retake it? The subject is still one for which the student must demonstrate minimum competency on the bar exam, relying primarily on a commercial bar company's coverage to fill the gap. This anemic 2L programming in the law school setting pales in comparison to the robust catalog of programming, services, and resources intentionally directed to 1Ls and 3Ls. From my perspective, the 2L experience is precisely where the middle child syndrome is exposed.

Catherine Salmon, Ph. D., a co-author of *The Secret Power of Middle Children*, opines that "[m]iddle-borns don't have the rights of the oldest or the privileges of the youngest."⁴ Dr. Salmon's words couldn't ring truer in the law school family dynamic. Generally, 2Ls don't have the same rights as 3Ls, nor do they benefit from equivalent privileg-

"This anemic 2L programming in the law school setting pales in comparison to the robust catalog of programming, services, and resources intentionally directed to 1Ls and 3Ls."

es as the 1Ls. The COVID-19 pandemic has only exacerbated the impact of middle child syndrome on the current cohort of 2Ls—the class of 2023. Across the country are scores of 2Ls who had their entire first year of law school delivered remotely. But that’s an in-depth discussion to be reserved for a separate article.

For the remainder of this article, I’ll share my reimagined version of the 2L experience through the lens of recent interactions with two 2Ls and one graduate. A lens through which I see opportunities (and missed opportunities) to employ Self-Determination Theory (SDT)⁵ and the potential for improved bar exam performance. According to SDT, learners have three basic psychological needs: autonomy, competence, and relatedness. Every learner needs these nutrients to actively and positively be involved in learning. These are innate needs, and their satisfaction is fundamental to fostering intrinsic motivation and internalized forms of extrinsic motivation (i.e., the process by which non-fun activities can still be valued and embraced by learners).⁶

Student #1: A 2L on academic probation stated, “1L year was tough. I didn’t know what I was doing; online classes created laziness, and transitioning to being on campus for 2L year was a whole new ball game.” The student also succumbed to the challenges of limited course selection during the 2L year, which I will discuss in the proposal for Student #2 below. A detailed conversation revealed this student’s innate abilities, high self-imposed academic standards, and the traits of a genuine servant leader. So, what went wrong? I’ll acknowledge that the pandemic threw everyone a curveball. Pandemic aside, though, if a student doesn’t know what they’re doing in the first year of law school, there’s little chance they will have a grip on things during the second year.

Proposal: Begin the 2L experience with a general re-orientation to law school and all available resources, similar to the 1L experience, albeit a scaled-back version. Add study skills workshops and time management coaching to right these 2L wrongs.

Addressing laziness requires more attention with SDT as the backdrop. This student’s struggle with self-described laziness is reversible by tapping into the student’s intrinsic and extrinsic motivators. SDT suggests that the need for autonomy refers to learners’ need to be the initiator of their actions and to a sense of psychological freedom when engaging in a learning activity. The need for competence refers to learners’ feelings of effectiveness and their need to experience confidence in achieving desired outcomes.⁷ With these motivational tools in mind, I propose increased use of formative assessments facilitated by all faculty who teach 2Ls as a great starting point. Self-guided or teaching assistant guided exercises that present opportunities for 2Ls to draft exam questions for study purposes, followed by quizzing their study partners, would aid in satisfying the autonomy and competence nutrients, resulting in a more self-motivated 2L experience. The cost is minimal, yet the benefits could be profound.

Student #2: A full-time 2L earned a fall semester GPA that resulted in academic alert status at the start of the spring term. Of the 30 credit hours allocated for the 2L year, the student dedicated less than half to required or bar-tested courses. The student’s chosen electives were ones that “sounded interesting” and accommodated a preferred schedule of attending school only twice per week, despite having no other non-academic obligations for the remainder of the week. This ill-informed course selection during 2L year resulted in the student entering 3L year still needing to fulfill multiple requirements. The student still needed to complete the upper-level writing requirement, six credit hours of experiential learning, professional responsibility, and other courses that could bolster their understanding of bar-tested subjects.

Proposal: Institute 2L priority registration dates staggered with 3Ls, with a designated number of slots reserved for 2Ls or more available sections of bar-tested electives. Additionally, implement mandatory advising for 2L course selection. The registration steps should be relatively seamless. Truly defying middle child syndrome would require a commitment from administration and faculty to (1) ensure enough qualified faculty are available to teach the added sections and (2) provide a qualified advisor to counsel all rising and continuing 2Ls on effective course selection.

Student #3: I offer this scenario as an example of a missed opportunity for 2L year intervention that impacts bar exam performance. A post-graduation bar prep advisee asked, “When do I use the mailbox rule—is it when I’m analyzing the offer or the acceptance?” The bar exam was just a few short weeks away, and the question was concerning, indeed.

Proposal: Incorporate into the 2L year Framework Development workshops focusing primarily on bar-tested MBE subjects. During the workshops, students would learn to conceptualize the subject area they’re studying—to see the “big picture,” practice issue-spotting and analyzing questions, and build the confidence to communicate answers in any question format. This early intervention would reduce the risk of a graduate being deficient in the fundamentals of a bar-tested course, particularly one that most law school graduates saw only during their first year of law school. The timing would also give way for the student to take a related course, such as, in this student’s instance, Sales or Contract Drafting, with opportunities for further assessment and remediation well in advance of the bar exam.

The general idea is that if we invest in robust programming and services for 2Ls, we can defy the effects of middle child syndrome. We must include, attend to, and nurture our middle child(ren) with the same vigor afforded their academic siblings.

“Truly defying middle child syndrome would require a commitment from administration and faculty”

¹ Carly Werner, *Birth Order and Personality: The Science Behind Middle Child Syndrome*, HEALTHLINE (Nov. 10, 2021), <https://www.healthline.com/health/mental-health/middle-child-syndrome>.

² Alfred Adler, PROBLEMS OF NEUROSIS 96-120 (1964).

³ *Metacognition: The Awareness of One’s Thought Process and an Understanding of the Patterns Behind Them*, WIKIPEDIA, <https://en.wikipedia.org/wiki/Metacognition> (last visited Apr. 13, 2022).

⁴ Rose Kennedy, *Does Birth Order Affect You in the Workplace?*, ATLANTA JOURNAL-CONSTITUTION (Dec. 6, 2017), <https://www.ajc.com/business/does-birth-order-affect-you-the-workplace/nyGt7BPJQG9oux1Fa1htcN/>.

⁵ Edward Deci & Richard Ryan, *Self-Determination Theory*, in 1 HANDBOOK OF THEORIES OF SOC. PSYCH. 416, 416-36 (P. Van Lange, A. Kruglanski & E. Higgins eds., 2012).

⁶ Maarten Vansteenkiste, *Characterization of Basic Psychological Needs*, CTR. FOR SELF DETERMINATION THEORY, <https://selfdeterminationtheory.org/application-basic-psychological-needs/> (last visited April 13, 2022).

⁷ *Id.*