Laptops in law school: To ban or not to ban?

By Don J. DeBenedictis

Earlier this year, UC Hastings College of Law student Matthew Huzainehe got permission from administrators to switch out of one constitutional law class into a different one. Why? Because the first professor forbids students from using laptop computers in class, while the second one does not.

"It's a big issue," said Rory Little, Huzainehe's new, more accommodating con law professor, about whether laptops are good or bad in the classroom.

In education circles, it's a debate as old as the Internet, or at least wireless routers.

For law faculty, the issue gained renewed currency this month when Steven Eisenstat of Boston's Suffolk University Law School posted a law review article explaining in detail why he now bans laptops in his classes. The paper "is much the buzz," said Laurie L. Levenson of Loyola Law School.

In particular, Eisenstat cited a trio of studies by education researchers at UCLA and Princeton University demonstrating that students who type notes on their laptops retain and comprehend less than those who handwrite their notes.

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- Laurie L. Levenson, Loyola Law School

He concludes that "we need to question whether our students are being served by our continuing to permit their use of laptops in our classes. And if ... they are not, then we need to ban or seriously limit their in-class access to their laptops."

That raises problems. "I would vehemently oppose banning laptops or tablets" as a school policy, said Erwin Chemerinsky, the dean of UC Irvine School of Law, which leaves the decision up to individual professors.

"Students react badly when faculty members ban laptops," he said.

Huzainehe can attest to that. After he went through the trouble to get permission to switch classes, other students asked him, "How did you do that? We've got to get out."

After all, he said, "we grew up on the computer. ... A lot of people say, 'This is the..."
Faculty who do prohibit or limit in-class computers give several reasons. Principally, they say Internet access is just too attractive and distracting. They worry students will check email, surf the Web or play solitaire.

"We live in a society with ADD," explained Erez Aloni of Whittier Law School, who won't allow laptops in the classes he teaches.

"Students do a lot of multitasking" if they have their laptops connected, he said. "Not only are they distracting themselves, they are distracting others" around them, whose attention might be grabbed by what's on a neighbor's screen.

Another reason, both he and Chemerinsky said, is that a laptop can become a barrier between a student and his peers and professor. Particularly in a small seminar, "as soon as you start staring at your computer, you're taking away from the group," Aloni said.

If prohibiting computer-assisted note-taking seems paternalistic, so what? "Teaching is paternalistic," he said. "As lawyers we need to focus, to maintain our attention. I think it's good training."

Most importantly, as the UCLA-Princeton and other studies show, laptops hinder learning.

Able to type very quickly from a lifetime spent at keyboards, law students using laptops tend to treat taking notes as taking dictation, many professors said.

"They transcribe rather than sitting and thinking," said Rodney O. Fong of the University of San Francisco School of Law, which bans laptops in first-year classes only. Typing students may plan to go through their transcripts later to organize and synthesize their notes, but they frequently don't get around to it, he said.

Like many law professors, UCI's Catherine Fisk said she often had the experience of posing a question to an intently typing student, only to have the student ask for the question to be repeated. "Obviously, they were paying zero attention," she said.

When she taught at Duke University, Fisk prohibited laptops, partly because most other professors did. At UCI, she allows them.

Most law faculty also are somewhere in the middle on the issue. "I'm 49-51," said Lawrence E. Rosenthal of Chapman University Fowler School of Law.

He allows laptops generally, but he insists students in his criminal law class use book versions of the California Penal Code - because scrolling through the book online is too time-consuming and cumbersome.

Many professors who permit computers give their students stern talks early on about taking good notes and warning them about the risks of reduced comprehension.

One reason to allow laptops, many said, is that that some students need them, such as those requiring a special accommodation for a learning disability. "If you prohibit laptops, you're going to be outing those who need accommodation," Levenson said.

"Every student is different," said Dean Allen Easley of Western State College of Law. "We don't want a policy of treating every student as identical."

And there are some good reasons to encourage laptops. For instance, Hastig's Little said when a casebook gives an edited version of an important precedent, he sometimes has students pull up the full case online.

In addition, some professors - especially those teaching legal research and writing - are creating their own digital texts and teaching materials.

Also, many students these days buy their expensive textbooks in less costly e-book formats. That means the laptop is the textbook.

Professors who do ban laptops - including Aloni and Suffolk's Eisenstat - say once
students get used to old-school note-taking, they find they like it.

Whittier Law School's Kristen Martin has surveyed students at the end of her advanced lawyering skills class, where she only allows book versions of the various sets of codes and rules the class studies. About 10 percent of the students disliked the computer ban, 46 percent didn't care and 44 percent found they preferred using books, Martin said.

But that's not reason enough for many. Ban opponents argue strongly that students should be able to choose for themselves how they best learn.

"They're adults," Levenson said. "We should provide them with the information" and let them decide.

Hasting student Huzaineh goes further with that argument. "I'm paying about $50,000" for a law degree, he said. "I want to learn the way I want to learn."

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